

ANNEX 21

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Version

From: Trial Chamber V Communications
Sent: 16 March 2023 13:30
To: D30 Ngaissona Defence Team; D29 Yekatom Defence Team; OTP CAR IIB; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; Trial Chamber V Communications; VWS Legal; Office of the Director DJSS
Cc: Chamber Decisions Communication
Subject: Decision on the Joint Defence Request for a Registry Report on P-2269's Prospective Appearance

[ICC] RESTRICTED

Dear Counsel,

Noting that the Chamber has not received any information from the Registry to the contrary, P-2269 is expected to testify as scheduled on 27-30 March 2023.

The Single Judge trusts that the Registry will inform the Chamber immediately should there be any issues with P-2269's appearance, so that another witness's testimony can be arranged and no valuable hearing time be lost.

Accordingly, the Single Judge rejects the Defence's request below.

Kind regards, TC V

From: [REDACTED]
Sent: 15 March 2023 12:38
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; OTP CAR IIB [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team <[REDACTED]> V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: Joint Defence Request for a Registry Report on P-2269's Prospective Appearance

Dear Trial Chamber V,

Following the issuance of a summons to appear on 16 February 2023 (ICC-01/14-01/18-1756-Conf), Prosecution witness P-2269 has been scheduled to appear before the Chamber on 27-30 March 2023. However, based on *inter partes* discussions with the Prosecution, the Defence understands that [REDACTED] may currently be facing difficulties in contacting the witness and ensuring that his testimony takes place as scheduled. To this date, this information remains vague and unclear. The Defence is therefore in the dark as to whether it can expect P-2269 to appear. This is greatly hampering its preparations, especially given the purported relevance of P-2269's prospective testimony to the charges against Mr Ngaissona and Mr Yekatom.

In light of the above, the Defence requests the Chamber to order the Registry to provide a report on whether the summons to appear was served to P-2269. Should there be no positive indication of P-2269's imminent appearance by this Friday, the Defence respectfully requests it to be confirmed that contingency witness P-2927 will be appearing instead.

Sincerely,

on behalf of the Defence teams for Mr Ngaïssona and Mr Yekatom

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