

ANNEX 40

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 27 July 2023 15:34
To: [REDACTED]; D34 Mokom Defence Team; OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; 'V44 LRV Team'; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications; Pre-Trial Chamber II communications
Subject: Decision on Mokom Defence Request concerning Access to Transcripts

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the request below.

He further recalls that the Chamber allowed the Prosecution to provide the Mokom Defence access to, *inter alia*, all transcripts of testimonies, including private sessions, subject to certain conditions (see ICC-01/14-01/18-1552, paras 9-11; ICC-01/14-01/18-1976, paras 9-12). Following consultations between the parties and in the absence of disagreements, the Single Judge recalls that the Prosecution may provide these transcripts to the Registry, which is then authorised to grant the Mokom Defence access to them (see email from the Chamber, 3 February 2023, at 17:49).

Kind regards,

TC V

From: [REDACTED] >
Sent: 26 July 2023 17:52
To: Trial Chamber V Communications [REDACTED]
Cc: Pre-Trial Chamber II communications <[REDACTED]>; OTP CARIIB-MM Communications <[REDACTED]>; Associate Legal Officer-Court Officer [REDACTED] OTP CAR IIB [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED] D34 Mokom Defence Team [REDACTED]
Subject: Access to transcripts in the Yekatom & Ngaissona case

Dear Trial Chamber V,
 Dear Pre-Trial Chamber II,

I am writing on behalf of the Defence for Mr. Mokom regarding access to transcripts in the *Yekatom & Ngaissona* case.

As you are aware, during February 2023, the Registry granted our team access to the confidential transcripts from the *Yekatom & Ngaissona* case, which are material to our preparation. We have not received any transcripts dated after 13 February 2023, despite the following witnesses having testified since that date:

P-0487; P-0967; P-1666; P-1705; P-1974; P-1990; P-2018; P-2041; P-2082; P-2084; P-2354; P-2476; and P-2927.

After following up with the Registry on several occasions, we were recently informed by the Associate Court Officer designated to the Mokom case, that there is uncertainty regarding the Defence's ongoing access to these transcripts.

We are therefore writing to ask for confirmation from Trial Chamber V that our continued access to the confidential transcripts in *Yekatom & Ngaissona* should continue.

We are very grateful for your assistance.

Kind Regards,



On Behalf of the Defence Team of Mr Maxime Mokom

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