

ANNEX 9

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 15 May 2023 17:38
To: 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
Subject: Decision on the Yekatom Defence observations in relation to filing 1860-Conf-Red

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Yekatom Defence's observations below, requesting the Chamber to assess 'whether or not redacted information contained in paragraphs 12-15' of the *'Prosecution's submission pursuant to regulation 35 to vary the time limit and request for in-Court protective measures for Prosecution Witness CAR-OTP-P-1990'* (confidential *ex parte* version, only available to the Prosecution and the VWU, notified on 8 May 2023, ICC-01/14-01/18-1860-Conf-Exp; confidential redacted version notified the next day, ICC-01/14-01/18-1860-Conf-Red), could be provided to the Defence.

After having assessed the redactions applied to the confidential redacted version of the Prosecution's request, the Single Judge finds that, pursuant to Articles 64(2), 64(6)(e) and 68(1) of the Rome Statute, and Rule 81(3) of the Rules of Procedure and Evidence, the redactions are proportionate and therefore warranted in the circumstances.

The Prosecution is encouraged to keep the necessity of these redactions under review and issue a lesser redacted version of its request should circumstances change.

Kind regards, TC V

From: [REDACTED]
Sent: 11 May 2023 08:49
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED] D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]
Subject: Yekatom Defence observations in relation to filing 1860-Conf-Red

Dear Trial Chamber V,

The Yekatom Defence takes note of the *"Confidential Redacted Version of "Prosecution's submission pursuant to regulation 35 to vary the time limit and request for in-Court protective measures for Prosecution Witness CAR-OTP-P-1990"*, ICC-01/14-01/18-1860-Conf-Exp, 8 May 2023", ICC-01/14-01/18-1860-Conf-Red, notified on 9 May 2023.

The Defence submits that the extensive redactions applied to the Prosecution's request do not allow the Defence to provide any meaningful response. Indeed, the core of the Prosecution's specific submissions for the need of protective measures for P-1990 seemed to be encompassed in paragraphs 12-15 which are completely redacted, the unredacted paragraphs of the Prosecution's request relate only to general information about the security situation in CAR.

Consequently, the Defence respectfully requests the Chamber to assess whether or not redacted information contained in paragraphs 12-15 could be provided to the Defence. Should the Chamber deems that the redaction to those paragraphs are warranted, the Defence does not intent to respond to the Prosecution's request in its current form.

Kind request,


Legal Consultant
Yekatom Defence

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