

ANNEX 23

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 06 June 2024 11:53
To: [REDACTED] Associate Legal Officer-Court Officer; Kofrc, Edin
Cc: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; 'V44 LRV Team'; V44 LRV Team OPCV; V45 LRV Team; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Registry's Request for Authorization to Make a Forensic Copy of CAR-OTP-2088-2202

[ICC] RESTRICTED

Dear colleagues from the Registry,

The Single Judge takes note of the request below.

In light of the explanations provided by the Registry, the Single Judge sees no impediment to the proposed course of action. He therefore grants the request.

Kind regards, TC V

From: [REDACTED]
Sent: Wednesday, June 5, 2024 5:43 PM
To: Trial Chamber V Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]
Subject: Request for authorization to make a forensic copy of CAR-OTP-2088-2202

[ICC] RESTRICTED

Dear Trial Chamber V,

The Registry respectfully seeks authorization to temporarily hand over the custody to the Prosecution, of evidentiary material located on a CD, CAR-OTP-2088-2202 (the "CD"), for the reasons explained below.

The Ngaissona defense has requested to consult on an urgent basis two items of evidence (CAR-OTP-2088-2204 and CAR-OTP-2088-2207) contained in the CD.

The Prosecution disclosed the items of evidence included in the CD (ERNs CAR-OTP-2088-2203, CAR-OTP-2088-2204, CAR-OTP-2088-2205, CAR-OTP-2088-2206 and CAR-OTP-2088-2207) to the Ngaissona Defence in the "Pre-Confirmation INCRIM package 09 17 May 2019".

The custody of the CD was handed over to the Registry on 03 September 2020.

However, the Prosecution did not disclose to the Defence the entirety of the metadata attached to the items included in the CD and therefore the Ngaissona Defence cannot consult the evidence in CD CAR-OTP-2088-2202, as this would provide them access to undisclosed information/metadata. OTP only agrees to give the Defence access to the full metadata of the 2 specific items 2204 and 2207.

The Prosecution has the means to make a forensic copy of the two items to be consulted, whereas the Registry does not have in-house capacity for this.

Based on the above, the Registry respectfully request authorization to hand over the custody of CAR-OTP-2088-2202 to the Prosecution in order to make a forensic copy of CAR-OTP-2088-2204 and CAR-OTP-2088-2207 for the purpose of the consultation by the Ngaissona Defence.

Kind regards,

A black rectangular redaction box covering the signature of the sender.