

ANNEX 6

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 10 May 2024 10:48
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
Subject: Decision on the Request to Reconsider the Order setting date for the continuation of D30-4504's testimony
Attachments: RE: Order setting date for the continuation of D30-4504's testimony

Dear Counsel,

The Single Judge takes note of the Prosecution's request below and the Ngaissona Defence and Yekatom Defence's responses thereto.

However, the Single Judge also notes that VWU has not been able to reach D30-4504 for the past two days and thus advises to continue the hearings with D29-5013's testimony (*see* email from the VWU to the Chamber, 10 May 2024, at 08:59). In light of this information, and in order to ensure that the hearings can continue on Monday, the Single Judge will not reconsider his previous decision (*see* email from the Chamber, 8 May 2024, at 12:03).

The Single Judge urges VWU to continue its efforts to reach D30-4504 in order to conclude his testimony on 17 May 2024 and trusts that the VWU has reminded the witness not to discuss his testimony with anyone.

Kind regards, TC V

From: Dimitri, Mylene [REDACTED]
Sent: Wednesday, May 8, 2024 5:15 PM
To: [REDACTED] OTP CAR IIB [REDACTED] Trial Chamber V Communications [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]
Subject: Re: Order setting date for the continuation of D30-4504's testimony

Dear Trial Chamber V,
 Dear colleagues,

The Yekatom Defence maintains flexibility and defers to the discretion of the Chamber and the Parties. Should witness D30-4504 be unavailable on Monday, 13 May, the Defence is prepared to proceed immediately with witness D29-5013, provided VWU can swiftly organise her appearance.

Therefore, we suggest that her familiarisation should proceed as initially planned before 9h30 in order to have her on stand by.

Kind regards,
 Mylène Dimitri

From: [REDACTED]
Sent: 08 May 2024 17:00
To: OTP CAR IIB [REDACTED] Trial Chamber V Communications [REDACTED]

D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team
 [REDACTED] V44 LRV Team [REDACTED]; V44 LRV Team OPCV
 [REDACTED] V45 LRV Team [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Order setting date for the continuation of D30-4504's testimony

Dear counsel for the Defence,

The Single Judge would appreciate if you could provide your input on the Prosecution's query below at your earliest opportunity.

Kind regards, [REDACTED]

From: OTP CAR IIB [REDACTED]
Sent: Wednesday, May 8, 2024 2:13 PM
To: Trial Chamber V Communications [REDACTED]; D29 Yekatom Defence Team
 [REDACTED] D30 Ngaissona Defence Team
 [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV
 [REDACTED] V45 LRV Team [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED] Chamber Decisions
 Communication [REDACTED] VWS Legal [REDACTED]
 [REDACTED]; OTP CAR IIB [REDACTED]
Subject: RE: Order setting date for the continuation of D30-4504's testimony

[ICC] RESTRICTED

Dear Trial Chamber V,

The Prosecution takes note of the Single Judge's decision to resume the testimony of D30-4504 on 17 May 2024. However, due to the unavailability of Prosecution Counsel leading the cross-examination from 14 May onwards, the Prosecution would respectfully propose that D30-4504's testimony be advanced to start on 13 May 2014. With that, the Prosecution can assure the Parties and Participants that D30-4504 cross-examination will be completed that day. D29-5013 could then begin testifying only one day later, on 14 May 2014. To the extent that this may be explored, the Prosecution would greatly appreciate the accommodation, particularly as it arises from wholly unforeseen circumstances.

Apart, it is not clear whether D30-4504 had been advised to refrain from contact with others regarding the subject matter of his testimony upon adjourning his testimony on Monday 6 May 2024. Accordingly, and given the concerns expressed by Defence Counsel yesterday, the Prosecution would request the Single Judge to direct the Registry to specifically instruct the witness to this effect.

Kind regards,

On behalf of OTP Trial Team

From: Trial Chamber V Communications [REDACTED]
Sent: mercredi 8 mai 2024 12:03
To: 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]
Cc: Trial Chamber V Communications [REDACTED] Associate Legal Officer-Court Officer
 [REDACTED] Chamber Decisions Communication
 [REDACTED] VWS Legal [REDACTED]

Subject: Order setting date for the continuation of D30-4504's testimony

Dear all,

The Single Judge notes that D30-4504, who started testifying on 6 May 2024, did not reappear before the Chamber yesterday, as scheduled. He further takes note of the witness's communication to the VWU that he has 'personal issues which he needs to attend', and which preclude him to testify before the end of the week (see email from the Court Officer to the Chamber, 7 May 2024, at 17:23).

In order to provide clarity about the schedule for the remaining evidentiary block, the Single Judge considers it prudent to set a date for the continuation of D30-4504's testimony. Bearing in mind his obligation to safeguard the expeditiousness of the proceedings, the set dates for D29-5013's testimony, as well as the need to ensure witness D30-4504's availability, the Single Judge orders the following:

- The hearings will resume on Monday, 13 May 2024, with the testimony of D29-5013, as scheduled. The witness's testimony is to be completed by 16 May 2024.
- D30-4504's testimony will be continued on 17 May 2024 at 09:30 and completed that day. The VWU is further instructed to communicate this date to the witness, remind him of the importance of completing his testimony, as well as the possible sanctions for misconduct before the Court under Article 71 of the Rome Statute.

Kind regards, TC V

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From: [REDACTED]
Sent: 08 May 2024 17:06
To: [REDACTED] OTP CAR IIB; Trial Chamber V Communications; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer
Subject: RE: Order setting date for the continuation of D30-4504's testimony

[ICC] RESTRICTED

Dear Michaela,

The Ngaissona Defence supports the Prosecution's suggestion to resume the testimony of D30-4504 on 13 May.

Kind regards,

[REDACTED] on behalf of the Ngaissona Defence

From: [REDACTED]
Sent: Wednesday, May 8, 2024 5:01 PM
To: OTP CAR IIB [REDACTED] Trial Chamber V Communications [REDACTED]; D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Order setting date for the continuation of D30-4504's testimony

Dear counsel for the Defence,

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Kind regards, [REDACTED]

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To: Trial Chamber V Communications [REDACTED] D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]; VWS Legal [REDACTED] [REDACTED] OTP CAR IIB [REDACTED]
Subject: RE: Order setting date for the continuation of D30-4504's testimony

[ICC] RESTRICTED

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Kind regards,

On behalf of OTP Trial Team

From: Trial Chamber V Communications [REDACTED]
Sent: mercredi 8 mai 2024 12:03
To: 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]
Cc: Trial Chamber V Communications [REDACTED] Associate Legal Officer-Court Officer
 [REDACTED] Chamber Decisions Communication
 [REDACTED] VWS Legal [REDACTED]
 [REDACTED] >
Subject: Order setting date for the continuation of D30-4504's testimony

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Kind regards, TC V

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