

ANNEX 43

Public Redacted

Version

[REDACTED]

From: Trial Chamber V Communications
Sent: 16 July 2024 11:45
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Cc: Trial Chamber V Communications; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Decision in relation to the Article 70 Material transmitted to the Chamber by the Prosecution

Dear Counsel,

The Chamber notes the *Prosecution's Update on the Article 70 Investigation* (ICC-01/14-01/18-2495-Conf-Exp and -Conf-Red) in which it indicates having received [REDACTED] (the 'Material'). The Prosecution submits that despite [REDACTED]

[REDACTED]

It further takes note of the email below and its attachment 'UNREDACTED [REDACTED]', which it understands to constitute the foreshadowed transmission of the Material through a [REDACTED]

[REDACTED]

According to Rule 73(1) of the Rules, 'communications made in the context of the professional relationship between a person and his or her legal counsel shall be regarded as privileged'. As previously held, this legal privilege only applies to counsel and assistants to counsel, but not to 'other staff' on a defence team (see Decision ICC-01/14-01/18-712-Conf and -Red, paras 16-18).

Considering that [REDACTED] is not on the Registry's list of counsel or list of assistants to counsel (see [list of counsel](#) and [list of assistants to counsel](#)) and that the Material seems to contain exclusively [REDACTED], the Chamber sees no reason to withhold the Material from the participants. Accordingly, it orders the Prosecution to disclose the Material immediately.

The Chamber further trusts that the Prosecution has meanwhile disclosed all other disclosable materials mentioned in its latest update ICC-01/14-01/18-2495-Conf-Exp.

Kind regards, TC V

From: [REDACTED]
Sent: 11 July 2024 12:54
To: Trial Chamber V Communications [REDACTED]
Subject: [REDACTED]

[ICC] RESTRICTED

Dear Trial Chamber V,

Pursuant to the *ex parte* Prosecution's Update on the Article 70 Investigation (ICC-01/14-01/18-2495-Conf-Exp, para. 8), please find here attached the [REDACTED]

Kind regards,

[REDACTED]

Visiting Professional - ALCPS