

ANNEX 13

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Version

From: Trial Chamber V Communications
Sent: 16 May 2024 12:07
To: OTP CAR IIB; Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; VWS OPS Room; Chamber Decisions Communication
Subject: Decision on the Prosecution's request to appoint counsel for witness D30-4504

Dear counsel,

The Single Judge sees no reason to appoint counsel pursuant to Rule 171(5) of the Rules in the present circumstances.

Kind regards, TC V

From: OTP CAR IIB [REDACTED]
Sent: Thursday, May 16, 2024 11:40 AM
To: [REDACTED] Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team [REDACTED] D29 Yekatom Defence Team [REDACTED] OTP CAR IIB [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team <[REDACTED]>; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; VWS OPS Room [REDACTED]
Subject: RE: Hearing to resume tomorrow

[ICC] RESTRICTED

Dear Trial Chamber V,

Dear Counsel,

The Prosecution appreciates the timely notice provided for the prospective continuation of D30-4504's testimony, and is prepared to proceed accordingly. With that said, the circumstances of the witness's absence are not known to the Prosecution and may reasonably fall within the proper scope of his prospective cross-examination. Clearly, a witness's demonstrable lack of respect for the Chamber's directives and their obligations towards the Court, and for the proceedings, implicates the efficacy of Article 69 and Rule 66 in respect of their testimony.

Thus, to the extent that the Prosecution may properly examine D30-4504 on the circumstances of his absence, it considers it advisable that he be appointed Counsel pursuant to Rule 171(5), at least until such time as the Chamber is satisfied that Article 71 has not been and will not be breached. Thank you.

Kind regards,

On behalf of OTP Trial Team

From: [REDACTED]
Sent: jeudi 16 mai 2024 11:19
To: Trial Chamber V Communications [REDACTED]

Cc: D30 Ngaïssona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; OTP CAR IIB [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] [REDACTED] Associate Legal Officer-Court Officer [REDACTED] VWS OPS Room [REDACTED]

Subject: Hearing to resume tomorrow

Dear all,

In light of the information provided by the Ngaïssona Defence below, the hearing will resume tomorrow at 09:30.

Kind regards, [REDACTED]
on behalf of the Chamber

From: [REDACTED]
Sent: Thursday, May 16, 2024 9:48 AM
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaïssona Defence Team [REDACTED] D29 Yekatom Defence Team [REDACTED] <[REDACTED]> OTP CAR IIB [REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] [REDACTED]; Associate Legal Officer-Court Officer [REDACTED] VWS OPS Room [REDACTED]
Subject: Ngaïssona Defence update on witness CAR-D30-P-4504

[ICC] RESTRICTED

Dear Trial Chamber V,
Dear parties and participants,

Pursuant to the Chamber's order (ICC-01/14-01/18-T-286-CONF-ENG ET, p. 39, lns 6-21), the Ngaïssona Defence ('Defence') spoke yesterday, 15 May 2024, on the phone with witness CAR-D30-P-4504 in the presence of a VWU representative.

The Defence conveyed to the witness the Chamber's order, i.e. that he is required to finish his testimony on Friday, 17 May 2024. The Defence also explained to the witness the consequences should he refuse to appear and complete his testimony. The Defence did not discuss any other matters during the call and did not obtain information regarding the reason for the witness's absence.

The witness agreed to complete his testimony on Friday.

Kind regards,

[REDACTED]

[REDACTED]

Case Manager – Ngaïssona Defence Team

International Criminal Court (ICC)

Telephone number: [REDACTED]

[REDACTED]
www.icc-cpi.int

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