

ANNEX 17

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 23 May 2024 15:37
To: D30 Ngaissona Defence Team
Cc: D29 Yekatom Defence Team; OTP CAR IIB; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication; VWS Legal
Subject: Decision regarding the witness order for block 33

Dear Counsel,

The Single Judge takes note of the Ngaissona Defence's unfortunate update regarding D30-4914's testimony (see email below), who is currently scheduled to testify from 3-6 June 2024. However, the VWU has informed the Single Judge that the witness's testimony can still be arranged via video-link if the required authorisation is obtained by 28 May 2024 (see email from the VWU to the Chamber's Legal Officer, 22 May 2024, at 16:59). Accordingly, he instructs the Registry to do everything within its powers in order to secure the witness's appearance on the abovementioned dates.

In parallel, and to ensure that the scheduled hearing days are definitely used, the Single Judge orders the Ngaissona Defence to immediately liaise with the VWU to identify other available witnesses and inform the Chamber and participants by **28 May 2024** whether D30-4914 or another witness will testify on the abovementioned dates. In this context, the Single Judge stresses, again, that the Chamber cannot, and will not postpone testimonies indefinitely.

Kind regards, TC V

From: [REDACTED]
Sent: Wednesday, May 22, 2024 10:45 AM
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED]
Subject: Ngaissona Defence update on the authorisation regarding CAR-D30-P-4914

[ICC] RESTRICTED

Dear Trial Chamber V,

The Ngaissona Defence hereby wishes to inform the Chamber on the situation regarding the pending authorisation for witness CAR-D30-P-4914.

On 7 March 2024, the Defence forwarded to the Counsel Support Section (CSS) a cooperation request seeking authorisation from the CAR authorities allowing witness CAR-D30-P-4914 to testify before the Chamber. Despite numerous follow-ups with CSS, the said authorisation was never issued on time, leading the Defence to postpone CAR-D30-P-4914's testimony for a later date (i.e. 3-6 June as per the latest provisional block schedule communicated).

On Monday 13 May, after consultations with VWU on the logistics of the witness's appearance, the Defence requested from CSS that the authorisation mentions the new dates of testimony and for it to be issued by Friday, 24 May 2024 at the latest.

Yesterday, the Defence was informed by CSS that, despite following-up on the authorisation request and underlining the urgency of the matter, there are still no updates on when the authorisation will be issued. According to the information we have received, it appears that the [REDACTED]

The Defence is aware that his testimony has already been postponed once and mindful of the Chamber's wish to not have any gaps in the trial schedule that could create further delays. Nevertheless, at this stage, the Defence has done everything in its control to receive the authorisation on time. Despite the Defence's diligence, the CAR authorities [REDACTED] the appearance of witness CAR-D30-P-4914 before the Chamber.

The present email is sent on an *ex parte* basis as it contains information about the appearance of Defence witnesses and State cooperation. Should there be any updates, the Defence will inform the Chamber accordingly.

Kind regards,

[REDACTED]
[REDACTED]
Case Manager – Ngaïssona Defence Team

International Criminal Court (ICC)

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