

ANNEX 19

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 03 June 2024 09:53
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; VWS Legal
Cc: Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on the Defence's requests in relation to Registry Report ICC-01/14-01/18-2513-Conf-Exp and Order in relation to the remaining Ngaïssona Defence witnesses

Dear all,

The Chamber takes note of the *Registry's Report on its Efforts to Secure the Attendance of Defence Witnesses* (ICC-01/14-01/18-2513-Conf-Exp), as well as the Yekatom Defence's updates regarding its remaining witnesses (see emails from the Yekatom Defence, 31 May 2024, at 09:50; 29 May 2024, at 12:48) and the corresponding updates from the Ngaïssona Defence (see emails from the Ngaïssona Defence, 30 May 2024, at 16:38; 27 May 2024, at 17:12 and 24 May 2024, at 11:35).

It also notes the Ngaïssona Defence's request to '(1) order the CAR authorities to issue the required authorisation to the Ngaïssona defence witnesses; and to (2) order VWS to explore the possibility of proceeding with the testimony of the witness without an authorisation from the CAR authorities' (the 'Ngaïssona Defence Request') as well as the Yekatom Defence's request to receive an unredacted version of paragraph 23 of ICC-01/14-01/18-2513-Conf-Red (the 'Yekatom Defence Request').

In its report, the Registry submits that the required authorisations for witnesses D30-4914 and D30-4679 are on their way and that arranging the testimonies of the Ngaïssona Defence witnesses without these requisite authorisations is not an option (see ICC-01/14-01/18-2513-Conf-Exp, para. 4). Considering this, the Chamber sees no reason to issue an order to the CAR authorities at this point. Accordingly, the Ngaïssona Defence Request is rejected. Nonetheless, the Chamber urges the Registry to continue following up on the status of these authorisations promptly in order to ensure that these witnesses can be heard before the summer recess.

Having reviewed paragraph 23 of the report, ICC-01/14-01/18-2513-Conf-Red, the Chamber sees no reason why this information cannot be shared with the participants. The Yekatom Defence Request is thus granted and the Registry instructed to proceed accordingly.

As regards the remaining witnesses by the Ngaïssona Defence, the Chamber instructs the Ngaïssona Defence to explore the option of moving its witnesses presently scheduled in block 33 forward, in order for D30-4848 to be called at the end of the block via video-link. The Ngaïssona Defence is also instructed to explore the option of D30-4848 becoming the contingency witness for block 33. The Chamber notes that the Defence indicates that it is 'currently seeking to clarify whether a CAR authorisation is required for this witness'. It expects that this question is clarified as a matter of priority and any required authorisation be arranged without any delay, in coordination with the Registry.

Finally, the Chamber emphasises that it expects all witnesses to be heard before the summer recess.

Kind regards, TC V