

ANNEX 33

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Version

From: Trial Chamber V Communications
Sent: 27 June 2024 11:57
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; 'V44 LRV Team'; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Clarification regarding Decision on ICC-01/14-01/18-2550-Conf

[ICC] RESTRICTED

Dear Counsel,

The Single Judge considers that his decision does not require further clarification. He reiterates that the Chamber does not consider it necessary to receive responses from the Ngaïssona Defence with regard to the Annex, and that the Chamber will rule on the remainder of the Ngaïssona Defence Request when adjudicating the Prosecution Request.

Kind regards, TC V

From: [REDACTED]
Sent: Wednesday, June 26, 2024 5:53 PM
To: Trial Chamber V Communications [REDACTED]; OTP CAR IIB [REDACTED]
D29 Yekatom Defence Team [REDACTED] D30 Ngaïssona 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]
Subject: Re: Decision on ICC-01/14-01/18-2550-Conf

[ICC] RESTRICTED

Dear Trial Chamber V,

Out of an abundance of caution and in order to not prejudice the Defence's right to respond to the Annex, the Defence for Mr Ngaïssona ('the Defence') wishes to request clarification on the Chamber's "Decision on ICC-01/14-01/18-2550-Conf".

The Defence takes note that the Chamber considers it is unnecessary for it to receive a response from the Ngaïssona Defence with respect to the Annex to ICC-01/14-01/18-2543 ('the Annex'). The Defence understands this decision to mean that the Chamber will not take into consideration the Annex when determining whether D30-4885 should be called as a Chamber witness. The only issues regarding this Annex that remain to be adjudicated are whether the Annex will be struck from the record, and whether the Prosecution will be prohibited from referring to the Annex in its closing submissions. The Defence would like to receive clarification as to whether its understanding of the decision is accurate.

Kind Regards,

On behalf of the Ngaïssona Defence

From: Trial Chamber V Communications [REDACTED] >
Sent: Wednesday, June 26, 2024 4:56 PM
To: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED];
 D30 Ngaïssona 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]; Trial Chamber V Communications
 [REDACTED]
Subject: Decision on ICC-01/14-01/18-2550-Conf

Dear counsel,

The Single Judge takes note of the '*URGENT [Ngaïssona] Defence Request to strike out the Annex to the "Prosecution Request to call D30-4885 as a Chamber witness pursuant to Articles 64(6)(d) and 69(6)(30)" (ICC-01/14-01/18-2543), or in the alternative, Request for an extension of time to respond to ICC-01/14-01/18-2543,*' ICC-01/14-01/18-2550-Conf (the 'Ngaïssona Defence Request').

The Single Judge does not consider it necessary to receive responses from the Ngaïssona Defence in relation to the Prosecution's Annex ICC-01/14-01/18-2543-Conf-Anx in order to adjudicate the '*Prosecution's Request to call D30-4885 as a Chamber witness pursuant to Articles 64(6)(d) and 69(3)*' (ICC-01/14-01/18-2543-Conf) (the 'Prosecution Request'). Accordingly, he sees no need to extend the Ngaïssona Defence's time limit to respond and rejects the request for an extension of time.

The remainder of the Ngaïssona Defence Request will be addressed in the Chamber's decision on the Prosecution Request.

Kind regards, TC V

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