

ANNEX 35

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 02 July 2024 15:46
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona 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: Decision on Prosecution Request for Additional Information regarding ICC-01/14-01/18-2566-Conf

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Prosecution's query, the Defence's response thereto, as well as the fact that the VWU indicated that it has no further information on the matter (see email from the VWU to the Chamber's Legal Officer, 2 July 2024, 10:33).

Considering this and noting that the participants will have the opportunity to fully examine D30-4848 in court, including on the issues raised by the Prosecution, he does not consider it necessary to order the VWU to provide additional information. The Prosecution's request is therefore rejected.

Kind regards, TC V

From: [REDACTED]
Sent: Tuesday, July 2, 2024 11:08 AM
To: [REDACTED]; D29 Yekatom Defence Team
[REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team
[REDACTED]; V45 LRV Team [REDACTED]; VWS Legal [REDACTED]; D30
Ngaissona Defence Team [REDACTED]; Trial Chamber V Communications
[REDACTED]
Cc: OTP CAR IIB [REDACTED]
Subject: RE: OTP request for further information regarding ICC-01/14-01/18-2566-Conf

[ICC] RESTRICTED

[ICC] RESTRICTED

Dear Trial Chamber V,
Dear all,

The Defence for Mr Ngaissona ('Defence') submits that at this stage, no further clarifications from VWU are warranted. The Defence intends to question D30-4848 about [REDACTED]

[REDACTED] The Prosecution will have the possibility to further shed light on the matter during cross-examination. It would be inapposite and outside of VWU's mandate to further question the witness or enquire about events which will be the subject matter of D30-4848's testimony.

Kind regards,
[REDACTED] on behalf of the Ngaissona Defence

From: [REDACTED]
Sent: Tuesday, July 2, 2024 9:15 AM
To: D29 Yekatom Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]
 [REDACTED] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] VWS
 Legal [REDACTED] D30 Ngaïssona Defence Team [REDACTED]; Trial
 Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED]
Subject: OTP request for further information regarding ICC-01/14-01/18-2566-Conf

[ICC] RESTRICTED

Dear Trial Chamber V,
 Dear all,

Following the “Victims and Witnesses Unit’s Observations pursuant to the “Decision on the Ngaïssona Defence Request for Leave to Add D30-4848 to its List Of Witnesses and for In-Court Protective Measures”” (ICC-01/14-01/18-2566-Conf) (“VWU Observations”), the Prosecution would appreciate additional clarifications from the VWU.

Paragraph 6 of the VWU Observations refers to the fact that D30-4848’s main concerns relate to the fact that [REDACTED]
 [REDACTED] Paragraph 7
 further states that D30-4848 [REDACTED]
reported by the latter to the Prosecution back in [REDACTED]

Given the fact that (i) all references to D30-4848 were redacted during [REDACTED] testimony, and (ii) [REDACTED] communications with the OTP and VWU regarding his [REDACTED] were confidential, and thus not available to the public, the Prosecution seeks additional details from the VWU on how, when, and from what source, D30-4848 obtained this sensitive information. These details are important in assessing [REDACTED] as well as to understanding of how confidential information was obtained by an individual who, under normal circumstances, should not have been privy to it.

Kind regards,
 On behalf of the OTP Trial Team

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