

Annex 5

Public Redacted

[REDACTED]

From: Trial Chamber I Communications
Sent: 19 April 2024 13:41
To: Chamber Decisions Communication
Subject: FW: Witness D-35 preparation: Request for small derogation to the Familiarization Protocol

[ICC] RESTRICTED

From: Trial Chamber I Communications [REDACTED]
Sent: Friday, April 19, 2024 12:02 PM
To: Laucci, Cyril [REDACTED]; Wistinghausen, Natalie [REDACTED]; Trial Chamber I Communications [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED]; Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED]; VWS Management [REDACTED]; [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Witness D-35 preparation: Request for small derogation to the Familiarization Protocol

Dear Counsel,
Dear colleagues,

The Chamber notes the below request from the Defence. In light of the exceptional circumstances, and with the understanding that the Prosecution and the CLRV will have an opportunity to meet briefly with the witness today, the Chamber authorises the postponement of (part of) D-0035's familiarisation session. His vulnerability assessment should be provided at the latest by tomorrow, 16:00.

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Laucci, Cyril [REDACTED]
Sent: Friday, April 19, 2024 11:46 AM
To: Wistinghausen, Natalie [REDACTED]; Trial Chamber I Communications [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED]; Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED]; VWS Management [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Witness D-35 preparation: Request for small derogation to the Familiarization Protocol

[ICC] RESTRICTED

Thanks Natalie, much appreciated.

As for OTP, I doubt this should be an issue for VWU to allocate two times five minutes for each of you this afternoon, in addition to the Defence Prep Session, which we are keeping as short as possible.

Best regards,
Cyril.

From: Wistinghausen, Natalie [REDACTED]
Sent: Friday, April 19, 2024 11:44 AM
To: Laucci, Cyril [REDACTED]; Trial Chamber I Communications [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] V47 Abd Al Rahman LRV Team [REDACTED] VWS Management [REDACTED]
Subject: AW: Witness D-35 preparation: Request for small derogation to the Familiarization Protocol

[ICC] RESTRICTED

Dear Trial Chamber I,
Dear colleagues,

the CLRV will adapt to whatever order is decided and would just appreciate to be allocated a few minutes for the courtesy meeting with the witness.

Kind regards,

Natalie

Natalie v. Wistinghausen
CLRV

Von: Laucci, Cyril [REDACTED]
Gesendet: Freitag, 19. April 2024 10:49
An: Trial Chamber I Communications [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED] Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED]; VWS Management [REDACTED]
Betreff: Witness D-35 preparation: Request for small derogation to the Familiarization Protocol

[ICC] RESTRICTED

Honourable Judges,
Dear colleagues,

Our VWU colleagues in copy are in [REDACTED] to prepare the appearance of Witness D-35.

An initial preparation session which was scheduled on Wednesday could not take place because Witness D-35 was unwell. It was postponed to today, starting at 2.00 p.m.

Today, Witness D-35 is only available for two to three hours due to his medical condition. Over that short period, the following activities need to take place:

- Preparation Session with the Defence, during which Witness D-35 shall be read-back for approval of Rule 68(3) submission on Monday;
- VWU's vulnerability assessment; and
- In-Court Familiarization (CICF).

I have asked VWU to prioritize the Defence's Prep Session, which is mandatory under Rule 68(3) and in order to be able to disclose our Preparation Report to the OTP and LRVs no later than today. But this also raises a difficulty on VWU's side, as the Familiarization Protocol apparently requires the Vulnerability Assessment Report before 4.00 p.m.

I write to seek a derogation from you that would, given the exceptional circumstances of Witness D-35's health situation, allow, if required, the postponement of the CICF and/or Vulnerability Assessment to tomorrow. Witness D-35 is also available tomorrow for the same duration of 2 to 3 hours.

With your permission, we would then complete the three required steps in the same order as above (i) Defence Prep Session, (ii) Vulnerability Assessment and (iii) CICF, or reduce the CICF to minimum, given the circumstances of Witness D-35's appearance.

That way, the Defence would thus be sure that it can complete its Prep Session and read-back and disclose its report to the OTP and LRV today.

Yours Sincerely,
Cyril Laucci.

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.