

Annex 2

Public Redacted

[REDACTED]

From: Trial Chamber I Communications
Sent: 23 May 2024 11:17
To: Chamber Decisions Communication
Subject: FW: CONFIDENTIAL - Rule 68(3) application for admission of Witness D-35's written statement into evidence

[ICC] RESTRICTED

For the record.

From: Trial Chamber I Communications [REDACTED]
Sent: Wednesday, April 17, 2024 2:44 PM
To: Wistinghausen, Natalie [REDACTED] Laucci, Cyril [REDACTED] Abd Al Rahman
Prosecution Team [REDACTED] V47 Abd Al Rahman LRV Team
[REDACTED] Atwa, Ashraf [REDACTED] D31 Abd-Al-Rahman Defence Team
[REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED] Trial Chamber I
Communications [REDACTED]
Subject: RE: CONFIDENTIAL - Rule 68(3) application for admission of Witness D-35's written statement into evidence

[ICC] RESTRICTED

Dear counsel,
Dear colleagues,

In the absence of objection, the Chamber hereby confirms that the Defence's Rule 68(3) application for D-0035 is granted.

Kind regards,
On behalf of Trial Chamber I

From: Wistinghausen, Natalie [REDACTED]
Sent: 15 April 2024 15:35
To: Trial Chamber I Communications [REDACTED] Laucci, Cyril
[REDACTED] Abd Al Rahman Prosecution Team [REDACTED] V47 Abd Al
Rahman LRV Team [REDACTED] Atwa, Ashraf [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED] Associate Legal Officer-Court
Officer [REDACTED]
Subject: AW: CONFIDENTIAL - Rule 68(3) application for admission of Witness D-35's written statement into
evidence

[ICC] RESTRICTED

[ICC] RESTRICTED

Dear Trial Chamber I
Dear colleagues.

I have taken note of the Defence's application to introduce D-0035's witness statement into evidence pursuant to Rule 68(3) of the Rules of Procedure and Evidence and I have no objection.

Kind regards,

Natalie v. Wistinghausen
CLRV

Von: Trial Chamber I Communications [REDACTED]
Gesendet: Montag, 15. April 2024 10:20
An: Laucci, Cyril [REDACTED] Trial Chamber I Communications [REDACTED]
 [REDACTED] Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED] Atwa, Ashraf [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Betreff: RE: CONFIDENTIAL - Rule 68(3) application for admission of Witness D-35's written statement into evidence

[ICC] RESTRICTED

[ICC] RESTRICTED

Dear counsel,
Dear colleagues,

The Chamber has taken note of the Defence's application to introduce D-0035's witness statement into evidence pursuant to Rule 68(3) of the Rules of Procedure and Evidence (the 'Rules').
 Unless the Prosecution and/or the Common Legal Representative for Victims submit their objection before **Tuesday 16 April 2024, at noon**, the Chamber authorises the introduction into evidence of D-0035's witness pursuant to Rule 68(3) of the Rules.

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Laucci, Cyril [REDACTED]
Sent: Friday, April 12, 2024 2:08 PM
To: Trial Chamber I Communications [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] V47 Abd Al Rahman LRV Team [REDACTED] Atwa, Ashraf [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED]
Subject: CONFIDENTIAL - Rule 68(3) application for admission of Witness D-35's written statement into evidence
Importance: High

[ICC] RESTRICTED

Honourable Judges, Dear Colleagues,
 In order to minimize the time necessary for the appearance of Witness D-35 while maximizing the time for his cross-examination by the OTP, and having due consideration for Witness D-35's health constraints, the Defence proposes to submit his signed statement (DAR-D31-00000274-0001) into evidence pursuant to Rule 68(3) of the Rules of Procedure and Evidence.

Witness D-35's written statement was rather recently collected (January 2024), it was read back to him and signed. Should the Chamber allow so, the Defence would use Witness D-35's Preparation Session scheduled on Wednesday 17 April a.m. to read again his statement back to him, ask to confirm that it is accurate to the best of his recollection and ask him if he agrees to have it submitted into evidence *in lieu* of his examination-in-chief. The Defence would then have no more than a few additional questions for the witness before OTP can start its cross-examination. The Defence looks forward to the Chamber's determination on the present request, and will adapt its Wednesday a.m. Prep Session accordingly..

Yours Sincerely,

Cyril Laucci,

Lead Counsel for the Defence.

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