

ANNEX 3

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 11 February 2025 15:44
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; Trial Chamber V Communications; Chamber Decisions Communication
Subject: Decision on the OTP request to disclose to the Defence of Mr. Said the confidential transcripts of the testimony of P-2926

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Prosecution's request below, which was unopposed by the participants.

The Single Judge recalls that protective measures were provided to witness P-2926 (see email from the Chamber, 10 May 2021, at 17:26). He further recalls that the disclosure of transcripts to participants in different proceedings before the Court would not vary the protective measures in this case and that Regulation 42(2) of the Regulations of the Court is therefore applicable in such circumstances (see Decision on the Prosecution Request for Authorisation to Disclose Certain Transcripts in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, ICC-01/14-01/18-1129, para. 7, with further references to the jurisprudence of the Court).

Noting that the disclosure of the transcripts to the *Said* Defence would not negatively impact on the security and safety of P-2926 and that the *Said* Defence is bound by confidentiality obligations pursuant to Article 8 of the Code of Professional Conduct for counsel and a protocol on the handling of confidential information, the Single Judge authorises the Prosecution to disclose the transcripts as requested, pursuant to Regulation 42(2) of the Regulations of the Court. The Prosecution is instructed to inform the *Said* Defence of the nature of the protective measures of the witness.

Kind regards,
 TC V

From: [REDACTED]
Sent: 10 February 2025 19:43
To: Dimitri, Mylene [REDACTED] Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED] D29 Yekatom Defence Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED] OTP CAR IIB [REDACTED]
 V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED]
Subject: Re: OTP request to disclose to the Defence of Mr. Said the confidential transcripts of the testimony of P-2926

[ICC] RESTRICTED

Dear Trial Chamber V,

The Ngaissona Defence also has no objections to the Prosecution's request to disclose to the Saïd Defence the confidential transcripts of P-2926's testimony.

Kind Regards,

On behalf of the Ngaïssona Defence

From: Dimitri, Mylene [REDACTED]
Sent: Monday, February 10, 2025 2:13 PM
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaïssona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED] OTP CAR IIB [REDACTED]
 V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED]
 [REDACTED] Paolina Massidda [REDACTED]
Subject: RE: OTP request to disclose to the Defence of Mr. Said the confidential transcripts of the testimony of P-2926

Dear Trial Chamber V,

The Yekatom Defence has no objection to Prosecution's request to disclose to the Defence of Mr. Said.

Kind regards,
 Mylène Dimitri

From: Massidda, Paolina [REDACTED]
Sent: 07 February 2025 16:38
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaïssona Defence Team [REDACTED] D29 Yekatom Defence Team [REDACTED]
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED] OTP CAR IIB [REDACTED]
 V44 LRV Team [REDACTED] V44 LRV Team OPCV <[REDACTED]> V45 LRV Team [REDACTED]
Subject: RE: OTP request to disclose to the Defence of Mr. Said the confidential transcripts of the testimony of P-2926

[ICC] RESTRICTED

Dear All,
 The CLR2 have no objections.

Kind regards,
 Paolina Massidda

From: OTP CAR IIB [REDACTED]
Sent: 07 February 2025 10:50
To: V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED]; Trial Chamber V Communications [REDACTED]; D30 Ngaïssona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED]
Cc: OTP CAR IIB [REDACTED]
Subject: OTP request to disclose to the Defence of Mr. Said the confidential transcripts of the testimony of P-2926

[ICC] RESTRICTED

Dear Trial Chamber V,
Dear all,

The Prosecution in the ICC-01/14-01/21 case ("Said case") is required to disclose to the Defence of Mr. Said the confidential transcripts of the testimony of P-2926 in the *Yekatom and Ngaissona* case. The Witness testified between 11 and 12 May 2021. For this reason, the Prosecution respectfully requests authorisation to grant access to the Defence of Mr. Said the following confidential transcripts, dated 11 and 12 May 2021.

ICC-01/14-01/18-T-031-CONF-ENG CT 11-05-2021 103 T
ICC-01/14-01/18-T-031-CONF-FRA CT2 11-05-2021 87 T
ICC-01/14-01/18-T-032-CONF-ENG CT3 12-05-2021 123 T
ICC-01/14-01/18-T-032-CONF-FRA CT 12-05-2021 105 T

As the witness testified with protective measures, the Prosecution will ensure they are respected and will duly inform the *Said* Defence of their nature, as ordered by the Chamber pursuant to Regulation 42(2) of the Regulations of the Court and ensure that they are respected. Thank you.

Best Regards,
On behalf of OTP Trial Team

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.