

ANNEX 14

Public Redacted Version

From: Trial Chamber V Communications
Sent: 15 April 2025 13:00
To: D30 Ngaïssona Defence Team
Cc: [REDACTED] Trial Chamber V Communications; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Decision on the Ngaïssona Defence's Request for Guidance from the Chamber regarding Mr Ngaïssona's Non-privileged Contacts List

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Ngaïssona Defence's request below.

Provided that the individual is vetted by the Chief Custody Officer and that Mr Ngaïssona respects his contact restrictions during his communications (see ICC-01/14-01/18-2741-Conf, para. 7), the Single Judge sees no reason to prohibit this addition to the non-privileged contact list at this stage of the proceedings.

Kind regards, TCV

From: [REDACTED]
Sent: 15 April 2025 11:22
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaïssona Defence Team [REDACTED]
Subject: Request for Guidance from the Chamber – Mr Ngaïssona's Non-privileged Contacts List

[ICC] RESTRICTED

Dear Trial Chamber V,

We seek the Chamber's guidance on a matter *ex parte* given it concerns Mr Ngaïssona's non-privileged contacts list at the Detention Center, to which he has a reasonable expectation of privacy, as well as a D30 Defence witness.

Mr Ngaïssona wishes to add [REDACTED], a rule 68(2)(b) witness who provided a limited written statement on behalf of Mr Ngaïssona's defence at trial, to his list of non-privileged contacts at the Detention Center. This would mean that Mr Ngaïssona would be able to call with [REDACTED] within the parameters and limits of the Chamber's decisions on restrictions on communications pursuant to Regulation 101, ie. they would not be able to speak about the case; the use of any 'obscure' or 'coded' language would not be tolerated; and their calls would be subject to passive monitoring. In addition, [REDACTED] would undergo the regular vetting process by the Detention Center before being added to Mr Ngaïssona's contacts list.

The Defence has not identified a rule or provision, for instance in the 'Protocol on the Handling of Confidential Information and Contacts with Witnesses' (ICC-01-14/01/18-156), which would prohibit

contact between Mr Ngaïssona and [REDACTED]. More generally, bearing in mind the Chamber's protective mandate, the Defence does not identify any risk that allowing such contact would pose to the safety of this rule 68(2)(b) witness or the integrity of the proceedings, which are now at the deliberation stage. We nonetheless seek the Chamber's guidance concerning adding [REDACTED] to Mr Ngaïssona's contacts list to ensure that any concerns can be resolved in advance.

Nb: we have copied the Detention Center CCO [REDACTED] to this email, whom we had initially approached on the matter, and who advised that we seek confirmation from the Chamber before proceeding.

Kind regards,

[REDACTED]

On behalf of the Defence for Mr Ngaïssona

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