

ANNEX 9

Public Redacted

[REDACTED]

From: Trial Chamber VI Communications
Sent: 28 May 2025 15:48
To: [REDACTED] D33 Said Defence Team; Office of the Director DJSS; Associate Legal Officer-Court Officer; [REDACTED] VWS Legal; VWS OPS Room; [REDACTED]
Cc: Chamber Decisions Communication; [REDACTED] Trial Chamber VI Communications
Subject: RE: Scheduling of Ex Parte Status Conference - Defence and Registry - 4 June 2025

[ICC] RESTRICTED

Dear Defence,
Dear Registry,

The Chamber has taken note of counsel's availability.

Accordingly, the Chamber will hold the status conference at 13:30 instead of 14:00 on 4 June 2025.

That notwithstanding, the Chamber notes that there are a number of matters to address and, should P-0015's testimony finish earlier than anticipated, then the timing of the status conference may be brought forward to earlier that day. As a result, the Registry and the Defence should be prepared to make submissions and the Chamber will provide advance notice if the status conference is to be brought forward as the witness's testimony progresses.

Furthermore, the Chamber also wishes to receive an update as to the progress of the declaration/certification process for the two witnesses whose prior recorded testimony it has allowed introduction of pursuant to rule 68(2)(b) of the Rules, namely P-2926 and P-0405. Specifically, the Chamber wishes to know from the Defence the steps it has been taking with the Registry, as instructed in its decision allowing introduction of the prior recorded testimony of these two witnesses (see ICC-01/14-01/21-957-Conf, para. 31), to ensure that the declaration/certification process is completed as soon as possible.

In this regard, a representative of the VWU is ordered to also be present at the status conference.

Kind regards,
Trial Chamber VI

-----Original Message-----

[REDACTED]

Subject: RE: Scheduling of Ex Parte Status Conference - Defence and Registry - 4 June 2025

[ICC] RESTRICTED

Chère Chambre de première instance VI,

C'est bien noté.

Nous pensons utile de préciser, pour des raisons d'organisation, que pour pouvoir rencontrer [REDACTED] le 5 juin 2025 à [REDACTED] tôt dans la matinée, [REDACTED]

Pour être certain de ne pas le rater, nous avons calculé que nous devons partir de La Haye à 15:30 au plus tard, puisqu'il y a, à ces horaires, de grands risques d'embouteillages.

Par conséquent, serait-il possible d'envisager de tenir la conférence de mise en état entre 13:30 et 14:30 ?

En vous remerciant par avance.

Bien à vous,

Jennifer Naouri

De : Trial Chamber VI Communications [REDACTED]

Envoyé : mercredi 28 mai 2025 14:20

À : D33 Said Defence Team; Office of the Director DJSS; Associate Legal Officer-Court Officer; [REDACTED]

[REDACTED] Trial Chamber VI Communications; Chamber Decisions

Communication Objet : Scheduling of Ex Parte Status Conference - Defence and Registry - 4 June 2025

Dear Defence,

Dear Registry,

The Chamber has taken note of the Defence's submissions regarding its remaining investigative steps (ICC-01/14-01/21-982-Conf-Exp) (the 'Defence's Submissions').

The Chamber notes from the Defence's submissions that there are still a number of matters outstanding. As it has stated previously on a number of occasions, the Chamber finds that there is a need for the evidentiary phase of the case to be concluded as soon as practicable. In this regard, the Chamber finds that it requires further submissions from the Defence and Registry before it can rule on the Defence's request for more time to complete the investigative steps as set out in the Defence's Submissions.

Accordingly, the Chamber will hold a status conference on 4 June 2025 at 2pm after the conclusion of P-0015's testimony. The status conference will be ex parte Defence and Registry.

The Chamber wishes to receive information on the following issues:

1. The Chamber notes that Defence has still not decided how it wishes to proceed in respect of the documents and information collected [REDACTED] despite the fact that it has been on notice to make and finalise arrangements since March 2025. The Defence proposes two options in this regard (see para. 30 of Defence's Submissions). With respect to the Defence's proposal that it returns to [REDACTED] to conduct its mission again, the Chamber wishes to know from both the Defence and Registry:

- * How long, concretely, it would take to organise such a mission, and when is the earliest such a mission could take place?
- * Whether any further cooperation requests are required in this regard or whether the original cooperation request remains valid?
- * If a further cooperation request is required, how long will that process take?
- * What work is currently underway at [REDACTED] and what impact, if any, does such work have on any mission by the Defence (see para 30 of Defence's Submissions)?

1. The Chamber notes that the Defence has indicated that it has completed an informal interview with one [REDACTED] official (see paras 32-42 of Defence's Submissions) and intends to interview a further individual named [REDACTED] on 5 June 2025 (see para. 48 of Defence's Submissions). The Chamber notes that the Defence intends to introduce the informal interview reports through the Bar Table (see paras 42 and 50 of Defence's Submissions). The Chamber takes the preliminary view that this is impermissible under the Court's legal framework. Specifically, the Chamber finds that such informal interviews constitute testimonial material under the Court's legal framework and must be introduced pursuant to rule 68 of the Rules. Accordingly, the Chamber warns the Defence that it will not accept the introduction of the informal interview reports through the Bar Table. In this regard, the Chamber notes that there is a protocol between the [REDACTED] authorities and the Court regarding the interview of [REDACTED] which the Chamber finds must be adhered to. In light of the foregoing, the Chamber wishes to have information from the Defence and the Registry on the following:

- * How long will it take to conduct and complete the formal interview process by [REDACTED] as envisaged in step 3 of the protocol?
- * When is the earliest that such interviews could be arranged?

1. Last, the Chamber notes from the Defence's Submissions (para. 60) that representatives of the [REDACTED] have been in touch with representatives of [REDACTED] and that a meeting was scheduled on 23 May 2025. The Chamber wishes to receive an update from the Registry as to the meeting of 23 May 2025 and the status of the cooperation request with [REDACTED].

In light of the current stage of proceedings, the Chamber urges the Defence and Registry to come prepared to discuss the abovementioned issues in depth and to offer detailed and concrete responses.

The Registry is ordered to inform the Chamber who will attend the status conference to make submissions on the aforementioned questions as soon as possible.

Kind regards,
Trial Chamber VI

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.