

Public redacted version of Annex I

From: [REDACTED]
Sent: Tuesday, 20 January 2026 10:33
To: Trial Chamber V Communications <TrialChamberVComms@icc-cpi.int>
Cc: Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer@icc-cpi.int>; D29 Yekatom Defence Team <D29YekatomDefenceTeam@iccepn.org>; [REDACTED]
 [REDACTED] OTP CAR IIB <OTPCARIIB@icc-cpi.int>; V44 LRV Team OPCV <V44LRVTeam-OPCV@icc-cpi.int>
Subject: RE: Request for Guidance on Application of the Protocol to contact witnesses in the Context of Reparations Proceedings

[ICC] RESTRICTED

Dear Trial Chamber V,

The CLRV are of the view that the Protocol on the Handling of Confidential Information during Investigations and Contact between a Party or Participant and Witnesses of the Opposing Party or of a Participant (ICC-01/14-01/18-677-Anx5), as well as the Mechanisms for the exchange of information on individuals enjoying dual status (ICC-01/14-01/18-677-Anx2) should apply during the reparation phase.

The CLRV see no reason to deviate from the established Protocols. The safety of witnesses and dual status individuals represented by the CLRV are no less at stake because of the current phase of the proceedings. Indeed, the purpose of the Protocol on the Handling of Confidential Information is to protect the safety of witnesses, victims, and other individuals at risk on account of the activities of the Court. In this regard, the word 'activities' must be interpreted as including any action during the proceedings. In this regard, it is worth noting that paras. 27-33 of said Protocol - mentioned by the Defence - are formulated in broad terms and should be interpreted as referring to all stages of the proceedings (including reparations).

Accordingly, although the Defence has specified that exchanges foreseen [REDACTED]
 [REDACTED]
 [REDACTED],

the CLRV insist on receiving due notice should the Defence intend to contact or interact with witnesses who are also participating victims represented by them. The CLRV should also be provided with copies of any such exchanges. In this regard, the Defence is aware of dual status individuals by virtue of the correspondence in the matter exchanged during the trial.

In addition to dual status individuals, the CLRV is of the view that the same approach should be applied to all participating victims currently represented by them should the Defence plan to have any exchange with any of them [REDACTED].

Kind regards,

CLRV2 Team

From: [REDACTED]
Sent: Tuesday, 20 January 2026 09:45
To: Trial Chamber V Communications <TrialChamberVComms@icc-cpi.int>; D30 Ngaïssona Defence Team <D30NgaïssonaDefenceTeam@iccepn.org>; D29 Yekatom Defence Team <D29YekatomDefenceTeam@iccepn.org>; V44 LRV Team OPCV <V44LRVTeam-OPCV@icc-cpi.int>; OTP CAR IIB <OTPCARIIB@icc-cpi.int>
Cc: Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer@icc-cpi.int>; [REDACTED]
Subject: Re: Request for Guidance on Application of the Protocol to contact witnesses in the Context of Reparations Proceedings

[ICC] RESTRICTED

Dear Trial Chamber V,

The Defence for Mr Patrice-Edouard Ngaïssona defers to the discretion of the Chamber on the below matter.

Respectfully yours,

[REDACTED]

Case manager - Ngaïssona Defence

From: Trial Chamber V Communications <TrialChamberVComms@icc-cpi.int>
Sent: Monday, 19 January 2026 12:59
To: D30NgaissonaDefenceTeam@iccepn.org; D29YekatomDefenceTeam@iccepn.org; V44 LRV Team OPCV <V44LRVTeam-OPCV@icc-cpi.int>; OTP CAR IIB <OTPCARIIB@icc-cpi.int>
Cc: Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer@icc-cpi.int>; [REDACTED]
[REDACTED] Trial Chamber V Communications <TrialChamberVComms@icc-cpi.int>
Subject: RE: Request for Guidance on Application of the Protocol to contact witnesses in the Context of Reparations Proceedings

[ICC] RESTRICTED

Dear Counsels,

The Ngaïssona Defence was inadvertently omitted from the initial email decision. The Single Judge hereby notifies the Ngaïssona Defence and notes that it has until 20 January 2026, 12.00 pm (The Hague time) to file its observations, if any.

Best regards,

On behalf of Beti Hohler, Single Judge of Trial Chamber V

From: Trial Chamber V Communications <TrialChamberVComms@icc-cpi.int>

Sent: 16 January 2026 17:50

To: OTP CAR IIB <OTPCARIIB@icc-cpi.int>; V44 LRV Team OPCV <V44LRVTeam-OPCV@icc-cpi.int>

Cc: Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer@icc-cpi.int>; D29 Yekatom Defence Team <D29YekatomDefenceTeam@iccepn.org>; [REDACTED]

[REDACTED]; Trial Chamber V Communications <TrialChamberVComms@icc-cpi.int>

Subject: RE: Request for Guidance on Application of the Protocol to contact witnesses in the Context of Reparations Proceedings

Dear Counsel,

The Single Judge hereby notifies the Legal Representatives of Victims (the 'LRV') of the Defence request for guidance on the application on the Contact Protocol in the context of reparations proceedings (see the below email request) and of the Prosecution's initial response to this Request.

The Single Judge instructs the LRV to submit observations to the Defence request, if any, by 20 January 2026, 12.00 pm, The Hague time; the Prosecution is also instructed to submit any further observations, if any, by the same date and time.

Best regards,

On behalf of Beti Hohler, Single Judge of Trial Chamber V

From: OTP CAR IIB <OTPCARIIB@icc-cpi.int>

Sent: Friday, 16 January 2026 16:18

To: [REDACTED] Trial Chamber V Communications
<TrialChamberVComms@icc-cpi.int>

Cc: Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer@icc-cpi.int>; OTP CAR IIB <OTPCARIIB@icc-cpi.int>; D29 Yekatom Defence Team <D29YekatomDefenceTeam@iccepn.org>

Subject: RE: Request for Guidance on Application of the Protocol to contact witnesses in the Context of Reparations Proceedings

[ICC] RESTRICTED

Dear Trial Chamber V,

Dear Counsel,

As mentioned in our exchange with the Defence, a prior Decision of the Chamber on the application of the Contact Protocol during the trial phase as regards witnesses having completed their testimony may be of relevance in these circumstances (see ICC-01/14-01/18-2493-Conf, para. 8).

The Prosecution otherwise defers to the Chamber's discretion in the disposition of this matter. Thank you.

Kind regards,

On behalf of Prosecution

From: [REDACTED]
Sent: Friday, 16 January 2026 11:46
To: Trial Chamber V Communications <TrialChamberVComms@icc-cpi.int>
Cc: Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer@icc-cpi.int>; OTP CAR IIB <otpcariib@icc-cpi.int>; D29 Yekatom Defence Team <D29YekatomDefenceTeam@iccepn.org>
Subject: Request for Guidance on Application of the Protocol to contact witnesses in the Context of Reparations Proceedings

Dear Trial Chamber V,

The Defence team of Mr Yekatom presents its best wishes to the Chamber and its support staff for the year 2026.

In light of the forthcoming submissions on reparations, the [REDACTED]
 [REDACTED] The purpose [REDACTED] would be to assess the demographic situation in various localities referred to in the Judgment. To that end, the Defence may need to [REDACTED]
 [REDACTED]

This may include exchanges with [REDACTED]
 [REDACTED]

[REDACTED] Any such [REDACTED] would be limited to the strictly defined purpose of discussing general demographic statistics, the proportion of the population in certain areas, and the current state of religious practice and religious buildings, including comparisons with the situation as it stood in or around 2014. The Defence would not seek to discuss Mr Yekatom, the charges, or the evidence.

[REDACTED] and in an abundance of caution, the Defence contacted the OTP to seek its position on the application of the *Protocol on the Handling of Confidential Information during Investigations and Contact between a Party or Participant and Witnesses of the Opposing Party or of a Participant* (ICC-01/14-01/18-677-Anx5), adopted by the Trial Chamber in its former composition, notably paragraphs 27–33, concerning contacts with witnesses of other parties. It is not clear whether the provisions relating to contacts with witnesses of other parties formally apply at this post-trial stage.

The OTP responded that it would not object to applying the Protocol, as has been done throughout the proceedings, but defers to the Trial Chamber as to its application and/or its terms, should the Chamber consider it appropriate to modify them. In this context, and should the Trial Chamber confirm that the Protocol applies, the Defence is of the position that the deadline provided for therein should start to run, as the Defence has already provided the Prosecution with all required information, including the aim of the contact and the identity of the witnesses concerned. The present correspondence therefore seeks the Trial Chamber's guidance on the preferred way forward.

For completeness, the OTP also indicated that it may be prudent to seek the Trial Chamber's guidance as to whether notice should be given to the Appeals Chamber, or whether another procedure should be utilised, on the basis that the two Chambers have concurrent jurisdiction over the witnesses, given their relevance to separate proceedings. On this specific point, and

departing from the OTP's position, the Defence is of the view that, as the purpose of the proposed [REDACTED] is solely related to the reparations proceedings and will have no impact on the appeal proceedings, the Trial Chamber is the competent jurisdiction to provide guidance on the modalities of contact with witnesses for the purposes of submissions to be filed on reparations.

In view of the urgent nature of the matter and the limited time available for [REDACTED] [REDACTED], and pursuant to the Trial Chamber's conduct of proceedings permitting urgent procedural requests to be submitted by email, the present request is accordingly transmitted by email.

Kind regards.

[REDACTED]
Conseil associée
Equipe de Défense de M. Alfred YEKATOM