

ANNEX 6

PUBLIC

From: Trial Chamber V Communications
Sent: 25 June 2021 12:50
To: [REDACTED] D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Trial Chamber V Communications; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Cc: OTP CAR IIB Operations; OTP CAR IIB Case Management; [REDACTED]
Subject: RE: Familiarisation Package for P-2328

Dear Counsel,

The Single Judge takes note of the below objection by the Ngaissona Defence to the inclusion of six items in the Prosecution's familiarisation package for P-2328, as well as the Prosecution's response thereto.

The Single Judge recalls that the Familiarisation Protocol provides that '[t]he VWU should provide the following documents to the witness to refresh his/her memory: (i) a copy of all the statements the witness has previously given. The term statement includes any signed statement and recorded interview (audio, video or both) and, (ii) any document or information generated or provided by the witness when giving any of his/her previous statements' (ICC-01/14-01/18-677-Anx1, para. 80).

Turning to the items at issue, the Single Judge notes that item 16 (CAR-OTP-2075-1289) is a mission order including the witness's name that was presented to the witness in the context of his statement. Item 17 (CAR-OTP-2000-0603) is an audio-recording presented to the witness in the context of his statement. Items 18 (CAR-OTP-2060-0616) and 19 (CAR-OTP-2060-0663) are, respectively, a transcription and a translation of item 17. The Single Judge considers that these four items neither constitute 'statements the witness has previously given' nor 'document[s] or information generated or provided by the witness when giving' his statement. Accordingly, the Single Judge finds that they shall not be included in the familiarisation package.

Item 20 (CAR-OTP-2102-0869) is an email and item 21 (CAR-OTP-2102-0870) is the corresponding attachment, both of which were sent by the witness to the investigators shortly after giving his statement, on the basis that the witness remembered some information relevant to the information provided in the context of his statement. Under these circumstances, the Single Judge finds that they may be included in the familiarisation package as 'document[s] or information generated or provided by the witness when giving any of his/her previous statements'.

Kind regards, TC V

From: [REDACTED]
Sent: 24 June 2021 15:49
To: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team
[REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team
[REDACTED] V45 LRV Team [REDACTED] Trial Chamber V Communications
[REDACTED]
Cc: OTP CAR IIB Operations [REDACTED] OTP CAR IIB Case Management
[REDACTED] [REDACTED] [REDACTED]
Subject: RE: Familiarisation Package for P-2328

Dear Trial Chamber V,

Dear All,

The Prosecution takes note of the Ngaissona's Defence opposition (see below email from the Ngaissona Defence, 24 June 2021, at 13:34) to the integration of items 16-21 in the familiarisation package for P-2328, transmitted on 22

June 2021 (see below email from the Prosecution, 22 June 2021, at 19:01 and attached). The Prosecution submits that these items should be included in his familiarisation package for the following reasons:

- Items 16 (Mission order) and 17-19 (Audio, transcript and translation) were presented to the Witness and discussed at length by him during his interview (at paragraphs 236-241 and 248-253 respectively). They are thus at least arguably *part* of his statement and would, in any event, facilitate his familiarisation with it.
- In item 20 (Email), P-2328 provides further information on a question asked during his interview at paragraphs 242-245, regarding his phone numbers. This is a follow-up to his rule 76 statement and equally attributable to the Witness. Item 21 is a document attached to the email provided by the Witness.

We await the Chamber's consideration and determination concerning this matter. Thank you.

Kind regards,

[REDACTED]

OTP [REDACTED]

From: [REDACTED]
Sent: jeudi 24 juin 2021 13:34
To: [REDACTED] D29 Yekatom Defence Team
 [REDACTED] D30 Ngaïssona Defence Team
 [REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team
 [REDACTED] V45 LRV Team [REDACTED]
Cc: OTP CAR IIB Operations [REDACTED] OTP CAR IIB Case Management
 [REDACTED]
Subject: RE: Familiarisation Package for P-2328

Dear [REDACTED],

Thank you for transmitting the familiarisation package for P-2328. The Defence of Mr Ngaïssona opposes to the provision of items n. 16, 17, 18, 19, 20, 21. The Defence notes that, pursuant to the familiarisation protocol (ICC-01/14-01/18-677-Anx1, para 80): "The VWU should provide the following documents to the witness to refresh his/her memory: (i) a copy of all the statements the witness has previously given. The term statement includes any signed statement and recorded interview (audio, video or both) and, (ii) any document or information generated or provided by the witness when giving any of his/her previous statements." As items 16-21 were not generated or provided by the witness when giving his statement, the Defence considers that providing them to the witness for the purpose of familiarisation would amount to a breach of the aforementioned protocol.

Kind regards,

[REDACTED]

[REDACTED] – *Ngaïssona Defence*

From: [REDACTED]
Sent: 22 June 2021 19:01
To: D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team
Cc: OTP CAR IIB Operations; OTP CAR IIB Case Management; [REDACTED]
Subject: Familiarisation Package for P-2328

Dear Counsel,
 Dear all,

Please find attached the list of documents relating to P- 2328, with 24 Items.

If you have any comments, kindly communicate them within three days. After this date, the Prosecution will transmit these documents to the Victims and Witnesses Unit for the familiarization process of the above-mentioned witness.

Kind regards,

██████████

OTP ██████████

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