

ANNEX 2

PUBLIC

From: Trial Chamber V Communications
Sent: 03 November 2021 16:00
To: OTP CAR IIB Operations; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: TC V Decision on Rule 74 duty counsel for P-2843

Dear Counsel, dear colleagues from the Registry,

The Single Judge takes notes of the Registry's notification of the appointment of Mr Hédi Aouini as Legal Adviser to witness P-2843 pursuant to Rule 74(10) of the Rules of Procedure and Evidence (the 'Rules') (*see* filing ICC-01/14-01/18-1157).

The Single Judge notes that the Prosecution did not raise the need for such appointment for P-2843 in its request (*see* Prosecution's Request for the Appointment of Duty Counsel pursuant to Rule 74, ICC-01/14-01/18-805-Conf, para. 3, n. 4) and, accordingly, the Chamber did not direct the Registry to identify and appoint, as necessary, a qualified counsel pursuant to Rule 74 of the Rules for this witness (Decision on the Prosecution Request for Appointment of Duty Counsel, ICC-01/14-01/18-857, para. 3, p. 4).

However, considering the specific circumstances, including the witness's prospective evidence and the absence of statements, and out of abundance of caution, the Single Judge agrees with the appointment of the Rule 74 counsel.

Furthermore, the Single Judge has taken note of the request by the Rule 74 counsel (*Requête Urgente aux fins d'obtention de garanties de non-incrimination et des mesures de protection au profit de P-2843*, ICC-01/14-01/18-1162-Conf), and will rule on it in due course.

Going forward, the Single Judge expects the Prosecution to seek the Chamber's authorisation prior to the appointment of any Rule 74 counsel in accordance with Rule 74(8) of the Rules, and the Registry to verify whether such authorisation exists.

Kind regards, TC V