

ANNEX 39
PUBLIC
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From: Trial Chamber V Communications
Sent: 23 June 2022 12:03
To: OTP CAR IIB Case Management; OTP CAR IIB Managers; OTP CAR IIB Operations; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; VWS Legal
Cc: Chamber Decisions Communication; Associate Legal Officer-Court Officer; Trial Chamber V Communications
Subject: Decision on Prosecution Urgent Request regarding P-1719

Dear Counsel,

The Single Judge takes note of the information provided by the Prosecution that witness P-1719 wishes to provide additional material to it and asked the VWU to be provided with a USB stick to do so. It also notes the Prosecution's request 'to contact P-1719 directly' in order 'to determine the nature of the information' that the witness intends to provide (the 'Material'), 'so as to ascertain whether the [Material] may be disclosable' (see email from the Prosecution to the Chamber, 23 June 2022, at 10:13).

The Single Judge notes that P-1719's testimony is due to commence on 29 June 2022 and that, according to the information provided by the VWU to the Prosecution, the witness is currently in The Netherlands and will be provided with his reading materials on Monday, 27 June 2022. The Single Judge therefore notes that the process of witness familiarisation has already commenced (see Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial, ICC-01/14-01/18-677-Anx1, para. 26).

The Single Judge does not consider it necessary for the Prosecution to contact the witness directly in order to determine the disclosability of the Material. Rather, he considers that the Prosecution may review the Material provided by the witness to make such determination. Accordingly, he instructs the VWU to facilitate the sharing of the Material with the Prosecution through appropriate and secure means *as soon as possible*.

Kind regards, TC V