

## **ANNEX 19**

**PUBLIC REDACTED**

[REDACTED]

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**From:** Trial Chamber VI Communications  
**Sent:** 18 May 2022 14:36  
**To:** Macdonald, Eric; Trial Chamber VI Communications  
**Cc:** D33 Said Defence Team; Said LRV Team OPCV; OTP CAR IIA Communications  
**Subject:** RE: The Prosecution seeks the Chamber's views and guidance on the timing and procedure for filing its rule 68 applications for two witnesses

Dear Mr MacDonald,

The Chamber has considered the proposal set out below and considers it to be reasonable in the circumstances described. Accordingly, the Prosecution is requested to file the applications in line with the relevant deadlines as set out in its first two proposals and to provide any information regarding the disclosure of associated items in the applications.

Kind regards,

Trial Chamber VI

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**From:** Macdonald, Eric [REDACTED]  
**Sent:** 18 May 2022 12:33  
**To:** Trial Chamber VI Communications [REDACTED]  
**Cc:** D33 Said Defence Team [REDACTED]; Said LRV Team OPCV [REDACTED]; OTP CAR IIA Communications [REDACTED]  
**Subject:** The Prosecution seeks the Chamber's views and guidance on the timing and procedure for filing its rule 68 applications for two witnesses  
**Importance:** High

Dear Trial Chamber VI,

The Prosecution respectfully seeks the Chamber's views and guidance on the timing and procedure for filing its rule 68 applications for two witnesses: P-0966 and P-2232.

Both of these witnesses have testified in the case of *Yekatom and Ngaissona*. Last month, the Prosecution submitted its second request to Trial Chamber V for authorization to disclose trial transcripts of witnesses who had recently testified (*see* ICC-01/14-01/18-1358). However, Trial Chamber V has not yet rendered its decision on the Prosecution's second request. This means that the Prosecution cannot yet disclose the confidential trial transcripts and related items of P-0966 and P-2232.

The Prosecution therefore makes the following proposal:

*In relation to P-0966:*

The Prosecution proposes to file its rule 68(2)(b) application for P-0966 this week, notwithstanding that four items will not yet be available to the Defence (specifically, two confidential trial transcripts, and two maps annotated by the witness during his testimony). In order to mitigate any prejudice to the Defence, the Prosecution proposes that the Defence and LRV's timeline for responding to the application should only commence on the date that the Prosecution confirms to the Chamber and parties by email that the four outstanding items have been made available to all Parties and Participants.

*In relation to P-2232:*


The Prosecution proposes to file its rule 68(3) application for P-2232 no later than 27 June 2022. Hopefully, by that date, all necessary items will have been authorised for disclosure. Otherwise, the Prosecution would similarly propose that the Defence and LRV's timeline for responding to the application should only commence on the date that the Prosecution confirms to the Chamber and parties by email that the confidential trial transcripts have been made available to all Parties and participants.

Alternatively, if the Chamber prefers to receive only full and complete applications, the Prosecution would seek an extension to submit its rule 68 applications for P-0966 and P-2232 until three days after Trial Chamber V authorises disclosure of their confidential trial transcripts to the Defence.




The Prosecution respectfully seeks the Chamber's views and guidance on the matter described in this email. If the Chamber would prefer this inquiry be made in the form of a formal filing, the Prosecution stands ready to do so.

Kind regards,

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