

# **ANNEX 34**

**PUBLIC REDACTED**

**From:** Trial Chamber VI Communications  
**Sent:** 22 June 2022 15:53  
**To:** [REDACTED] Trial Chamber VI Communications; OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV  
**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 Ms von Braun,

Thank you for this information. Given that disclosure is still ongoing, the Chamber would be most grateful if the Prosecution could send a confirmation email once the process is completed.

Kind regards,  
 [REDACTED]

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**From:** [REDACTED]  
**Sent:** 22 June 2022 15:46  
**To:** Trial Chamber VI Communications [REDACTED]; OTP CAR IIA Communications [REDACTED]; D33 Said Defence Team [REDACTED] Said LRV Team OPCV [REDACTED]  
**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 Trial Chamber VI,

The Prosecution respectfully informs that the disclosure of transcripts was partially executed yesterday and then a check uncovered that some were missed. CMS confirmed the access to the missing ones has been granted.

The disclosure of items mentioned in transcripts will be almost complete tomorrow, with the exception of four outstanding documents. The four remaining items will be disclosed on Monday 27<sup>th</sup> June due to witness protection considerations.

The Prosecution notes that the Registry documents mentioned will be disclosed tomorrow. Kindly note that the ERN numbers for these two documents have been added a suffix "0118" by the Information Evidence Unit (CAR-REG-0001-0004\_0118 and CAR-REG-0001-0005\_0118).

Please do not hesitate to contact the Prosecution if there should be access issues or any outstanding questions remain.

Kind regards, [REDACTED]

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**From:** Trial Chamber VI Communications [REDACTED]  
**Sent:** 22 June 2022 14:47  
**To:** OTP CAR IIA Communications [REDACTED]; D33 Said Defence Team [REDACTED] Said LRV Team OPCV [REDACTED]  
**Cc:** Trial Chamber VI Communication [REDACTED]  
**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 Prosecution,

The Chamber writes in reference to the Prosecution's fourth 68(2)(b) request (ICC-01/14-01/21-319-Conf) which was filed on the 19 May 2022.

The Chamber recalls that it ordered that the deadline for responses to ICC-01/14-01/21-319-Conf would not start to run until several items had been disclosed to the other parties and participants - which required authorisation from Trial Chamber V in the case of *Yekatom and Ngaissona*.

The Chamber understands that authorisation for the items in question was granted by Trial Chamber V on 07/06/2022 and 17/06/2022 respectively (see ICC-01/14-01/18-1448 and ICC-01/14-01/18-1465).

To this end, the Chamber wishes to enquire as to the status of disclosure of the relevant items? In particular, the Chamber notes that it still does not have access to CAR-REG-0001-0004 and CAR-REG-0001-0005 (the Chamber acknowledges that the ERN numbers of these items will likely be subject to change once they are disclosed).

As previously indicated in its email (see below), the time limit for responses to ICC-01/14-01/21-319-Conf will start to run on the date that the Prosecution confirms to the Chamber and the parties by email that the outstanding items have been made available to all parties and participants.

Kind regards,  
Trial Chamber VI

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**From:** Trial Chamber VI Communications [REDACTED] >  
**Sent:** 18 May 2022 14:36  
**To:** Macdonald, Eric [REDACTED] Trial Chamber VI Communications  
 [REDACTED] >  
**Cc:** D33 Said Defence Team [REDACTED] Said LRV Team OPCV [REDACTED]  
 [REDACTED]; OTP CAR IIA Communications [REDACTED]  
**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]  
 [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.

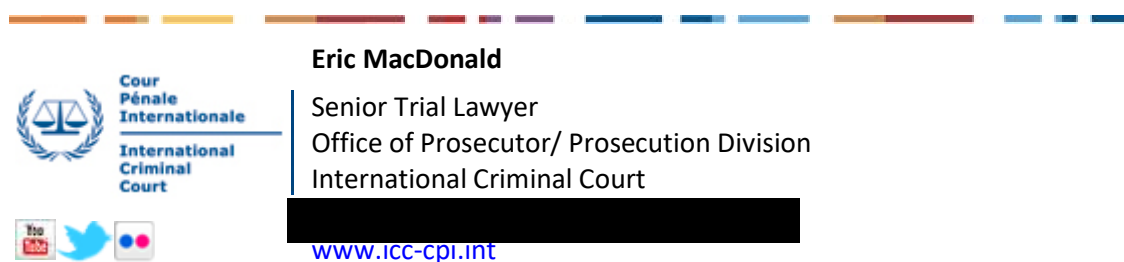
*In relation to P-2232:*

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,



**Visiting address:** Oude Waalsdorperweg 10, 2597 AK, The Hague