

ANNEX 23
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 07 September 2023 10:43
To: VWS Legal; OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on the scheduling of P-0952's testimony

[ICC] RESTRICTED

Dear colleagues from the Registry,
Dear counsel,

The Single Judge takes note of the information provided by the VWU below.

The Single Judge further notes the request of the Yekatom Defence to postpone the testimony of P-0952 to no earlier than 1 November 2023 (*see* email from the Yekatom Defence, 30 August 2023, at 10:41).

In light of the information provided, and bearing in mind the Yekatom Defence's request, the Single Judge hereby schedules the testimony of P-0952 from Monday, 30 October 2023 to no longer than Friday, 10 November 2023. This is *with the exception of* Tuesday, 7 November 2023, on which the Chamber will not sit.

The Single Judge further clarifies that the Chamber expects the witness to testify at the headquarters of the Court.

Kind regards,
TC V

From: [REDACTED]
Sent: 06 September 2023 16:02
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]
Subject: RE: Decision on the parties' request for further information regarding P-0952's appearance

[ICC] RESTRICTED

Dear colleagues,
Dear counsel,

The VWU hereby provides the following information in accordance with the Order of Trial chamber V ("Chamber") dated 29 August 2023.

On 20 February 2023 the VWU informed the Legal Officer of the Chamber that the VWU orally informed P-952 ("witness") the same day of the "Order regarding the Remainder of the Prosecution's Presentation of Evidence and Order pursuant to Article 64(6)(d) of the Statute" issued on 31 January 2023 (ICC-01/14-01/18-1739-Conf) ("Order").

Accordingly, the VWU told the witness that the Chamber decided on 31 January 2023 to call her in accordance with articles 64(6)(d) and 69(3) of the Rome Statute. The VWU further stated that such appearance would take place after the summer recess.

The witness asked if she would benefit from any protective measures. The VWU replied that her appearance would take place under the same conditions as for her previous appearance before the Chamber.

The VWU sent an email to the witness upon her request summarising the call. The witness acknowledged receipt of the message and stated that she would be at the disposal of the Chamber for all the measures that the Chamber would require in order to ensure her appearance at the imposed conditions.

subject of the approval of the Chamber, to meet the witness for the familiarisation process and security assessment on 27 October in order to ensure an appearance on 30 October until 7 November. The security assessment can be provided by email on 27 October.

When talked about the modalities of her appearance, the witness indicated that she would prefer to appear via video link from Bangui. Regarding in-court protective measures, the VWU stated that the Unit will conduct a security assessment as her security situation may have changed since the previous one, and that the Chamber would decide. The witness indicated that she has no expectations about the granting of any protective measures.

The VWU concluded by saying that a message would be sent to her once the Chamber agreed on the dates and modalities of her appearance. In this message the VWU will provide the text of paragraphs 10, 16 and 17 of the Order in order, in particular, to inform the witness about the topics which the Chamber is interested in hearing the witness on.

Kind regards,

From: Trial Chamber V Communications [REDACTED]
Sent: mardi 29 août 2023 15:05
To: VWS Legal [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]; Trial Chamber V Communications [REDACTED]
Subject: Decision on the parties' request for further information regarding P-0952's appearance

[ICC] RESTRICTED

Dear counsel,
 Dear colleagues from the Registry,

The Single Judge takes note of the request below, formulated by the parties in relation to the upcoming appearance of witness P-0952 (the 'Witness').

Taking into account the below, the Single Judge is of the view that the Chamber as well as all participants would benefit from receiving further information from the Registry as to the steps taken to date to facilitate the Witness's appearance.

Therefore, the Single Judge instructs the VWU to provide information on which measures were taken to facilitate the Witness's appearance, including:

- (i) Whether the content of decision ICC-01/14-01/18-1739-Conf, to the extent concerning the Witness, was fully discussed with the Witness, in particular the topics which the Chamber is interested in hearing the Witness on and the Chamber's position not to grant the Witness any in-court protective measures;
- (ii) Whether, if the above was discussed with the Witness, she fully understood the same;
- (iii) Any subsequent contacts with the Witness related to her appearance before the Chamber; and
- (iv) At which time the VWU will be in a position to provide a renewed assessment on the potential need for any in-court protective measures.

The VWU is instructed to provide this information, by email, no later than 7 September 2023.

Kind regards,
TC V

From: Dimitri, Mylene [REDACTED]
Sent: 23 August 2023 19:05
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]
Subject: Update on P-0952

Dear Trial Chamber V,

On behalf of the Prosecution, the Ngaissona team and the Yekatom team, I am writing to respectfully request an update by the Registry as to the appearance of P-0952.

Witness P-0952 involves the revision of an important amount of evidence before the Chamber so far and therefore requires time and resources during a period of very intense work with competing priorities and tight deadlines. In addition, the Yekatom team has planned a number of missions in various locations between now and the month of November. Therefore, clarity as to the appearance of P-0952 would greatly assist in the organisation of the missions.

We took note of the Chamber's order to the Registry to take all measures necessary to facilitate the appearance of the Witness starting on 23 October 2023 and would be grateful if the Parties and Participants could obtain an update on the measures taken and their outcome, if any.

Kind regards,
Mylène Dimitri

On behalf of the Prosecution, the Ngaissona team and the Yekatom team

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