

ANNEX 6
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 11 August 2023 13:50
To: Court Management-Court Records
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications; OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; D34 Mokom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Subject: Decision on the Request for Reclassification of ICC-01/14-01/18-1932-Conf and ICC-01/14-01/18-1953-Conf

[ICC] RESTRICTED

Dear colleagues of the Registry,
 Dear Counsel,

In light of the emails below, the Single Judge instructs CMS to reclassify to public, filings ICC-01/14-01/18-1932-Conf and ICC-01/14-01/18-1953-Conf.

As regards ICC-01/14-01/18-1932-Conf-AnxA, for the reasons provided by the Prosecution, the Single Judge decides to maintain its current classification as confidential, at this stage.

Kind regards,

TC V

From: [REDACTED]
Sent: 28 July 2023 15:54
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; Vanderpuye, Kweku [REDACTED]; OTP CAR IIB [REDACTED]
Subject: RE: Request for Reclassification of ICC-01/14-01/18-1932-Conf to Public

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

[ICC] RESTRICTED

Dear Trial Chamber V,

Further to the Trial Chamber's instruction contained at p.13 of the "Decision on the Mokom Defence's Request for Access to Materials" (ICC-01/14-01/18-1976) and in light of the request from the Mokom Defence team as well as the absence of opposition from the Prosecution to reclassify the "Mokom Defence Request for Access to Materials in the *Prosecutor v. Yekatom & Ngaissona* Case" (ICC-01/14-01/18-1932-Conf) to public, the Defence for Mr Ngaissona respectfully requests the Trial Chamber to reclassify the "Defence response to the "Mokom Defence Request for Access to Materials in the *Prosecutor v. Yekatom & Ngaissona* Case - With Confidential Annexes A & B" (ICC-01/14-01/18-1932-Conf)" (ICC-01/14-01/18-1953-Conf) to public.

Best regards,

[REDACTED]

On behalf of Mr Ngaïssona Defence team

De : [REDACTED]
Envoyé : 25 juillet 2023 11:39
À : [REDACTED]; Trial Chamber V Communications [REDACTED] >
Cc : D29 Yekatom Defence Team <[REDACTED]>; D30 Ngaïssona Defence Team
 [REDACTED] Vanderpuye, Kweku [REDACTED]; OTP CAR IIB
 [REDACTED]
Objet : RE: Request for Reclassification of ICC-01/14-01/18-1932-Conf to Public

[ICC] RESTRICTED

Dear Trial Chamber V,

Whilst the Prosecution does not object to the reclassification of the filing ICC-01/14-01/18-1932-Conf, it objects to the reclassification of Annex A to the said filing.

Annex A provides a comprehensive list of the 33 witness who have previously testified in *Yekatom and Ngaïssona*, and their trial transcript numbers and dates of testimony. Some of these witnesses have testified publicly, and are thus easily identifiable both through the trial transcript numbers, dates of testimony, and P-numbers.

However, at this stage of the *Mokom* proceedings (*i.e.*, prior to confirmation), only a confidential witness list has been filed (ICC-01/14-1/22-167-Conf-AnxA and ICC-01/14-1/22-167-Conf-AnxB), and the justification for the classification continues.

Because Annex A subsumes the content of the confidential witness list, its publication would not only reveal the identity of the some of the *Mokom* witnesses prematurely, but also contravene Regulation 23 *bis* (2) of the Regulation of the Court. Especially at this early stage of the *Mokom* proceedings, the Prosecution believes such publication is not warranted nor necessary, given that as Annex A does not provide any substantive information.

Kind regards,

From: [REDACTED]
Sent: 24 July 2023 11:52
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaïssona Defence Team
 [REDACTED]; Vanderpuye, Kweku [REDACTED]
 [REDACTED]
Subject: Request for Reclassification of ICC-01/14-01/18-1932-Conf to Public

Dear Trial Chamber V,


Further to the Trial Chamber's Instruction at p.13 of Decision ICC-01/14-01/18-1976, the Defence respectfully requests the Trial Chamber to reclassify "Mokom Defence Request for Access to Materials in the *Prosecutor v. Yekatom & Ngaïssona* Case" (ICC-01/14-01/18-1932-Conf) to public.
 Annex A can also be reclassified as public

The Defence is of the view that the Request and Annex A do not contain confidential information which must be redacted. Reclassification to public is therefore warranted.

The Defence will file a public redacted version of its Annex B.

Thank you very much.

Kind regards,


Legal Assistant
Mokom Defence

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