

ANNEX 23
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 12 December 2023 11:13
To: D30 Ngaissona Defence Team; OTP CAR IIB; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; D29 Yekatom Defence Team
Cc: Trial Chamber V Communications; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Decision on the Ngaissona Defence's Request for guidance on the process for obtaining prior statements remotely

Dear Counsel,

In light of the circumstances surrounding these witnesses, and noting that no objections were raised, the Single Judge sees no issues with authorising the proposed course of action to take the statements of these witnesses. The Defence is instructed to liaise closely with the Registry to ensure that the most secure means of communication are chosen in order to protect the witnesses.

As regards any potential introduction under Rule 68(2) of the Rules of Procedure and Evidence, the Chamber reminds the Defence of the requirements under this provision, in particular the accompanying declaration under Rule 68(2)(iii).

Kind regards, TC V

From: [REDACTED]
Sent: 07 December 2023 16:36
To: OTP CAR IIB [REDACTED]; V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team <[REDACTED]>; D29 Yekatom Defence Team [REDACTED]
Cc: Trial Chamber V Communications [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
Subject: FW: Order in relation to the Ngaissona Defence's Request for guidance on the process for obtaining prior statements remotely

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[ICC] RESTRICTED

Dear parties and participants,

Kindly find bellow a request addressed to the Trial Chamber by the Ngaissona Defence team, and the Trial Chamber instruction to share this request with the parties and participants to allow them to respond.

Best regards,

[REDACTED] on behalf of the Ngaissona Defence team

From: Trial Chamber V Communications [REDACTED]
Sent: 07 December 2023 16:06
To: D30 Ngaissona Defence Team [REDACTED]
Cc: Trial Chamber V Communications [REDACTED]; D29 Yekatom Defence Team

In addition, none of these individuals have an easy access to a printer.

It therefore appears that it will not be possible to obtain a signed statement of these 4 witnesses, and that it will be necessary to conduct the taking of the prior recorded testimonies in question in a fully remote manner, that is by conducting a recorded read-back of their statement by phone and preparing a corresponding transcript of the witness confirming his identity and the truthfulness of his statement. These transcripts will then be sought to be introduced under rules 68(2)(b) and 68(3), as the case may be.

If the witness in question can finally arrange for printer access, the Defence could also consider conducting a remote read-back of the statement in question and send a copy thereof by secure electronic means for him to print, sign, scan and send back (and request from this witness an undertaking that he will delete or destroy all copies after he does so).

We are bringing this to the attention of the Chamber in case this raises legal or procedural issues that require judicial consideration, as opposed to logistical ones.

We thank the Chamber in advance for its consideration.

Kind regards,



On behalf of the Ngaïssona team

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