

ANNEX 33
PUBLIC

From: Trial Chamber V Communications
Sent: 03 June 2021 15:58
To: OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; VWS Legal
Cc: Trial Chamber V Communications; Chamber Decisions Communication
Subject: Publishing of prior recorded testimonies

Follow Up Flag: Follow up
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Categories: Yekatom and Ngaissona

Dear all,

As previously indicated, the evidence presentation shall be held in public to the extent possible (see Initial Directions, ICC-01/14-01/18-631, para. 45). The Chamber considers that the same principle applies to testimony which was previously obtained and introduced under Rule 68 of the Rules.

Accordingly, the Chamber instructs the calling participant to propose a redacted version of the written record of each prior recorded testimony, or indicate that it may be made public in its entirety, within 21 days of fulfilling the requirements under Rule 68 of the Rules (see *similar* for Rule 68(2)(b) of the Rules, Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, 18 November 2016, ICC-02/04-01/15-596-Red, para. 223). The calling participant is instructed to liaise with the Victims and Witnesses Unit in this regard.

Within 21 days of receipt, the other participants may raise any objections to the proposed redactions and/or propose additional redactions. Should no objections be made, the calling participant shall make the public redacted versions available in E-court and the Registry shall publish them on the Court's website with their assigned ERN. The Chamber clarifies that there is no need to assign new ERNs merely for the purpose of publication on the website.

Kind regards, TC V