

ANNEX 26
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 02 December 2022 16:23
To: [REDACTED]
Cc: OTP CAR IIB; Associate Legal Officer-Court Officer; Chamber Decisions Communication; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; Massidda, Paolina; [REDACTED] V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Suprun, Dmytro; [REDACTED]; Trial Chamber V Communications
Subject: Decision on the Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487, ICC-01/14-01/18-1683-Conf

Dear all,

The Chamber takes note of the request by P-0487's counsel (*'Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487'*, 2 December 2022, ICC-01/14-01/18-1683-Conf) (the 'Request'). It also takes note of the emails sent by the Common Legal Representative of the Former Child Soldiers, the Common Legal Representatives of the Victims of the Other Crimes, the Ngaissona Defence, the Prosecution and the Yekatom Defence, indicating that they do not intend to respond to the Request (see all emails below).

In particular, the Chamber notes that P-0487's counsel requests assurances under Rule 74 of the Rules '*couvrant la preuve relative à deux sujets principaux qui sont abordés avec le témoin lors de ses entretiens*', these two subjects encompassing (i) [REDACTED]

[REDACTED], and (ii) [REDACTED]

(Request, para. 3).

On the basis of the available information and in light of the specific circumstances (including, in particular, P-0487's prospective testimony), the Chamber considers there to be a risk that the witness may incriminate himself as regards the two abovementioned topics. Accordingly, the Chamber grants general assurances under Rule 74 of the Rules to P-0487 in relation to these two topics.

Should issues of self-incrimination arise during the hearing in relation to other topics, the Chamber will address them on a case-by-case basis. In this regard, the Chamber notes that the witness may consult his counsel at any point and may object to making any statements that might tend to incriminate him pursuant to Rule 74(3)(a) of the Rules.

The Chamber expects that the participants will be vigilant during their examination on topics touching on potential self-incrimination.

Lastly, and with regard to the request by P-0487's counsel for in-court protective measures for P-0487 (Request, paras 11-14), the Chamber informs Mr Aouini that P-0487's identity will in any case be concealed from the public by virtue of the Chamber's '*Decision on the Prosecution Requests for In-Court Protective Measures for 73 Trial Witnesses*', ICC-01/14-01/18-906-Red2, paras 33-35, 40, p. 41, in which it granted the use of a pseudonym, and face and voice distortion for the witness, pursuant to Article 68 of the Statute.

The Chamber orders the Registry to inform Mr Aouini of this decision as soon as possible.

Kind regards, TC V

From: [REDACTED]
Sent: 02 December 2022 14:37
To: Trial Chamber V Communications [REDACTED] >
Cc: OTP CAR IIB [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
[REDACTED]; Chamber Decisions Communication [REDACTED] D29

Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team
<[REDACTED]; Massidda, Paolina [REDACTED]
[REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]
[REDACTED] V45 LRV Team [REDACTED]; Suprun, Dmytro [REDACTED];
[REDACTED]

Subject: RE: Order shortening the deadline to respond to Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487, ICC-01/14-01/18-1683-Conf

Dear Trial Chamber V,

The Defence for Mr. Yekatom wishes to inform the Chamber that it does not intend to respond to the '*Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487*', (ICC-01/14-01/18-1683-Conf) and defers to the discretion of the Chamber.

Kind regards,

[REDACTED]
Case Manager – Yekatom Defence

From: OTP CAR IIB [REDACTED]
Sent: 02 December 2022 14:32
To: Trial Chamber V Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]; OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team

[REDACTED] Paolina Massidda_icc-cpi [REDACTED]
[REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: Order shortening the deadline to respond to Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487, ICC-01/14-01/18-1683-Conf

Dear TC V,
Dear All,

The Prosecution does not intent to file a response to the request by P-0487's Rule 74 counsel notified today ('*Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487*', ICC-01/14-01/18-1683-Conf).

Best regards,

[REDACTED]
OTP case Manager

From: [REDACTED]
Sent: 02 December 2022 14:08
To: Massidda, Paolina [REDACTED] Trial Chamber V Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]; OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED] Suprun, Dmytro [REDACTED]
[REDACTED]

Subject: RE: Order shortening the deadline to respond to Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487, ICC-01/14-01/18-1683-Conf

Dear Chamber,
Dear All,

The Defence for Mr Ngaïssona does not intend to file a response to the below Request.

Kind regards,

[REDACTED]
Defence team of Mr Ngaïssona

From: Massidda, Paolina [REDACTED]
Sent: 02 December 2022 13:01
To: Trial Chamber V Communications <[REDACTED]>
Cc: Associate Legal Officer-Court Officer [REDACTED] Chamber Decisions Communication [REDACTED]; OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED] D30 Ngaïssona Defence Team [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED]; Suprun, Dmytro_icc-cpi [REDACTED]; [REDACTED]

Subject: RE: Order shortening the deadline to respond to Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487, ICC-01/14-01/18-1683-Conf

Dear All,

The CLR of the victims of the other crimes inform the Chamber that they do not intend to respond to the request.

Kind regards,
Paolina Massidda

From: Suprun, Dmytro [REDACTED]
Sent: 02 December 2022 12:46
To: Trial Chamber V Communications [REDACTED] OTP CAR IIB [REDACTED] D29 Yekatom Defence Team [REDACTED] D30 Ngaïssona Defence Team [REDACTED]; V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]

Subject: RE: Order shortening the deadline to respond to Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487, ICC-01/14-01/18-1683-Conf

Dear Trial Chamber V,

The CLR of the former child soldiers wishes to inform the Trial Chamber that he does not intend to respond to the request.

Kind regards,
Dmytro Suprun

From: Trial Chamber V Communications [REDACTED]
Sent: Friday, December 2, 2022 12:26
To: OTP CAR IIB [REDACTED] D29 Yekatom Defence Team [REDACTED];

D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team
[REDACTED]; V44 LRV Team OPCV [REDACTED] V45 LRV Team
[REDACTED]

Cc: Associate Legal Officer-Court Officer [REDACTED] Chamber Decisions
Communication [REDACTED]; Trial Chamber V Communications
[REDACTED]

Subject: Order shortening the deadline to respond to Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487, ICC-01/14-01/18-1683-Conf

Dear all,

The Single Judge takes note of the request by P-0487's Rule 74 counsel notified today (*'Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487'*, ICC-01/14-01/18-1683-Conf).

Noting that P-0487's testimony is scheduled to commence on Monday, 5 December 2022, responses to the request, if any, should be submitted today, 2 December 2022, by 15:00.

Kind regards, TC V

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