

ANNEX 12
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Version

From: Trial Chamber V Communications
Sent: 19 February 2024 14:21
To: D30 Ngaïssona Defence Team
Cc: D29 Yekatom Defence Team; OTP CAR IIB; V44 LRV Team OPCV; V45 LRV Team; Trial Chamber V Communications; Chamber Decisions Communication; V44 LRV Team; Associate Legal Officer-Court Officer
Subject: Decision on the Defence Request for 10-day time limit to Respond to ICC-01/14-01/18-2361-Conf

Dear all,

The Single Judge takes note of the Ngaïssona Defence's request below.

The Single Judge considers that the Ngaïssona Defence should be afforded the opportunity to respond to the request contained in the Prosecution's Response to the Ngaïssona Request for the Submission of Expert Report pursuant to Rule 68(3) (ICC-01/14-01/18-2361-Conf, para. 14). He thus instructs the Ngaïssona Defence to file a response by 26 February 2024.

Kind regards, TC V

From: [REDACTED]
Sent: Friday, February 16, 2024 11:43 AM
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaïssona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; OTP CAR IIB [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]
Subject: Defence Request for 10-day time limit to Respond to ICC-01/14-01/18-2361-Conf

[ICC] RESTRICTED

Dear Trial Chamber V,

The Defence for Mr Ngaïssona (the "Defence") takes note of the "Prosecution's Response to the Ngaïssona Request for the Submission of Expert Report pursuant to Rule 68(3)" (ICC-01/14-01/18-2361-Conf) (the "Response").

The Defence submits that subsection *III.b.* of the Response amounts to a request for the introduction of a prior recorded testimony pursuant to Rule 68(3) of the Rules of Procedure and Evidence. Indeed, as phrased by the Prosecution itself, "the Prosecution requests that his prior recorded testimony which ensued from the interview it conducted with D30-4885 be introduced in evidence pursuant to the same Rule" (para. 14 of the Response).

As such, the Defence respectfully requests the Chamber to allow the Defence to respond within 10 days of notification as per Regulation 34 of the Regulations of the Court.

Kind regards,

[REDACTED]
On behalf of the Ngaïssona Defence

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