

**ANNEX 22**  
**Public Redacted**  
**Version**

**From:** Trial Chamber V Communications  
**Sent:** 28 February 2024 12:06  
**To:** OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; 'V44 LRV Team'; V44 LRV Team OPCV; V45 LRV Team  
**Cc:** Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications  
**Subject:** Decision and Order concerning ICC-01/14-01/18-2351-Conf and ICC-01/14-01/18-2361-Conf

Dear Counsel,

The Chamber notes the Ngaissona Defence's request for the introduction of D30-4885's expert report pursuant to Rule 68(3) of the Rules (ICC-01/14-01/18-2351-Conf) (the 'Ngaissona Defence Request'). It also notes that the Prosecution and the Yekatom Defence defer to the Chamber's discretion (*see, respectively*, ICC-01/14-01/18-2361-Conf, paras 1-2, 14; ICC-01/14-01/18-2371-Conf, paras 2-4, 6).

Having reviewed the expert report, the Chamber grants the Ngaissona Defence Request, with full reasons to follow.

In addition, the Chamber notes that, in its response, the Prosecution requested that, should the Chamber grant the Ngaissona Defence Request, the prior recorded testimony of D30-4855 – which ensued from an interview it conducted with the witness under the Contact Protocol – be equally introduced into evidence pursuant to Rule 68(3) of the Rules (the 'Prosecution Interview' and the 'Prosecution Request', respectively). The Chamber further notes that the Prosecution provided the Ngaissona Defence with the audio recording of the Prosecution Interview but with no transcripts, and the Yekatom Defence's submission that it is not privy to the content of the Prosecution Interview and reserves its right to respond to the Prosecution Request upon disclosure of the audio recording and/or transcript of the Prosecution Interview (*see* ICC-01/14-01/18-2361-Conf, para. 13; ICC-01/14-01/18-2371-Conf, paras 3-4, 6; ICC-01/14-01/18-2381-Conf, paras 12-15).

In view of the above, the Chamber instructs the Prosecution to disclose to the Chamber and all participants the audio recording of the Prosecution Interview, and any transcripts thereof, by today, COB. Responses to the Prosecution Request are to be filed within one week of receiving the material.

Kind regards, TC V