

ANNEX 12
PUBLIC
REDACTED

From: Trial Chamber V Communications
Sent: 18 May 2022 14:58
To: Trial Chamber V Communications; 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; VWS Legal
Cc: Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Hearing cancellation 19-23 May 2022

Dear all,

The VWU informed the Chamber that *'the Registry is of the opinion that it is highly unlikely that Witness P-0954's appearance could be facilitated during the remainder of the days scheduled for this witness (i.e. 18-23 May 2022). The Registry is actively following up [...] and will provide the Chamber with an update by next Wednesday 25 May' (email from the VWU to the Chamber, 18 May 2022, at 13:59).*

In light of this information, the Single Judge cancels the hearings between tomorrow and 23 May 2022. The hearings will resume on 24 May 2022 with the testimony of P-2475.

The VWU is further instructed to share as much as possible of the information provided with the participants by Friday, 20 May 2022.

While the Single Judge acknowledges the logistical difficulties in arranging the witnesses' appearances, he also recalls that the Chamber explicitly instructed the participants to have contingency witnesses ready for each block, in case a testimony could not be facilitated at that point in time. The point of these contingency witnesses is to swiftly fill any gaps in the schedule and avoid the loss of valuable hearing days. The Single Judge notes that although witnesses P-1716 and P-1490 have been included in the list of contingency witnesses for the current block, neither one of them appears in fact available (see email from the Prosecution, 17 May 2022, at 12:28). This defeats the very purpose of having contingency witnesses and leads to the unfortunate result that only one witness, P-2475, is presently scheduled to appear in this block (noting that P-1416 also became unavailable according to the Prosecution, see email from the Prosecution, 16 May 2022, at 10:18).

In this regard, the Single Judge stresses the significance of ensuring the expeditiousness of the proceedings and the important role contingency witnesses play in this context. He expects the Prosecution to assess the availability of contingency witnesses more carefully going forward.

Kind regards, TC V

From: Trial Chamber V Communications [REDACTED]
Sent: 17 May 2022 17:41
To: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers
[REDACTED] D29 Yekatom Defence Team [REDACTED] D30
Ngaissona Defence Team [REDACTED] V44 LRV Team OPCV [REDACTED]
[REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] VWS
Legal [REDACTED]
Cc: Chamber Decisions Communication [REDACTED] Trial Chamber V
Communications [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
[REDACTED] >
Subject: Notification of hearing cancellation and Order to provide further update

Dear all,

The Chamber just received the below information from VWU. Tomorrow's hearing is therefore cancelled.

The Single Judge further orders VWU to provide another update tomorrow by 14:00.

In this update, he expects a clear answer as to whether P-0954's appearance can be facilitated during the remainder of the days scheduled for this witness (i.e. 18-23 May 2022).

Kind regards, TC V

From: [REDACTED]

Sent: 17 May 2022 16:58

To: Trial Chamber V Communications [REDACTED]

Cc: [REDACTED]

Subject: Witness CAR 954

Dear colleagues,

Please be informed that the VWU unfortunately does not have more information to communicate to the Chamber other than the one already provided.

[REDACTED]
[REDACTED]

The VWU expects a report from the [REDACTED] that will be provided to the Chamber as soon as possible.

In addition, the VWU confirms that the amended sitting hours (10:30 – 12:00, 13:30 – 15:00 and 15:30 – 17:00) are still required for this witness.

Kind regards,

[REDACTED]