

ANNEX 30
PUBLIC
REDACTED

From: Trial Chamber V Communications
Sent: 16 June 2022 14:51
To: [REDACTED] Trial Chamber V Communications; VWS Legal
Cc: 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; Chamber Decisions Communication; [REDACTED]
Subject: Trial Chamber V Communications
 Order to file observations to the Yekatom Defence's request ICC-01/14-01/18-1451 on the record

Dear colleagues from the Registry,

The Single Judge instructs the Registry to file the below observations on the Yekatom Defence's request ICC-01/14-01/18-1451, and any further observations it may have on the matter, on the record by 23 June 2022.

Kind regards, TC V

From: [REDACTED]
Sent: 15 June 2022 18:29
To: Trial Chamber V Communications [REDACTED] VWS Legal [REDACTED]
Cc: 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] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]
Subject: RE: Second order in relation to P-2475's witness familiarisation

Dear colleagues,
 Dear counsels,

The VWU has taken note of the "Yekatom Defence Request for Amendment of the "Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial" (ICC-01/14-01/18-677-Anx1) and related matters" dated 10 June 2022 (ICC-01/14-01/18-1451).

The VWU would like first to stress that the Unit acknowledged already on 25 May and then again a second time in an email dated 30 May 2022 that what happened was an unapproved deviation from the applicable Familiarisation protocol and followed practice. In the same communication, the VWU was fully transparent with the parties regarding the circumstances and provided the relevant information as soon as it was available from the individual who conducted the statement reading. The VWU later on acknowledged that the Chamber should have been informed and/or copied to the communication to the parties and apologized to the Judges for not having done so.

Regarding the first point of Defence request, the VWU is not opposed to amend paragraph 88 of the Familiarisation Protocol as suggested by the Defence in para 20 of its submission but would propose to replace the reference to "parties" by "the calling party".

It would then read as follows: "The VWU will transmit this record to the calling party before the testimony of the witness" after the words "[...] returned to the party" and before "The VWU will not be in a position [...]". The calling party would thereafter be in a position to transmit the record to the other party. This would

be in line with VWU practice to consider the calling party as the main point of contact for witness related matters.

Regarding the second issue raised by the Defence related to the review of the records of provision of statement to witnesses, the VWU would like to stress that to its knowledge, no anomalies were reported so far. This being said the VWU is currently reviewing the information available in relation to the witnesses who already testified and a lesson learn exercise is being conducted internally in order to avoid that such situation reoccur in the future. As a first outcome all VWU staff members are being reminded again of the applicable rules according to the Familiarisation protocol.

The VWU is at the Chamber's disposal to provide any additional information.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

Registry / Greffe

International Criminal Court / Cour pénale internationale

[REDACTED]

From: Trial Chamber V Communications [REDACTED]
Sent: 06 June 2022 10:27
To: VWS Legal [REDACTED]
Cc: 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];
 Associate Legal Officer-Court Officer [REDACTED] Chamber Decisions
 Communication [REDACTED]
 [REDACTED] Trial Chamber V Communications
 [REDACTED]

Subject: Second order in relation to P-2475's witness familiarisation

Dear colleagues from the VWU,

The Chamber takes note of the explanations provided by the VWU and its acknowledgement that a 'clear deviation' from the applicable Witness Familiarisation Protocol, ICC-01/14-01/18-677-Anx1 (the 'Protocol') occurred during P-2475's familiarisation.

As stipulated in the Protocol, para. 3, the VWU should apply the procedures set out therein to all witnesses called to testify before the Court, 'unless otherwise ordered'.

The Chamber finds it concerning that the VWU deviated from the Protocol without any instruction from the Chamber to do so, as well as the VWU's report stating that this was 'not approved internally', indicating that there seem to be internal communication issues. Moreover, it is disappointing that this matter was not brought to the Chamber's attention by the VWU itself, but rather by the Defence during the hearing.

The Chamber expects the VWU to review its internal workings, in order to ensure strict adherence with the Protocol in place and to improve its communication with the Chamber. Should the VWU consider that exceptional circumstances warrant departure from the Protocol in future cases, it should seize the Chamber with an appropriate request.

Kind regards, TC V

From: [REDACTED]
Sent: 03 June 2022 11:33
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]
 [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]
 Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions
 Communication [REDACTED]
Subject: RE: Order to provide comments regarding witness familiarisation of P-2475

Dear colleagues,

Following the instruction below from the Chamber, the VWU hereby attaches for the information of the Chamber, the message that was communicated to the parties upon request for clarification requested by the Defence of Yekatom.

Kind regards,

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From: Trial Chamber V Communications [REDACTED]
Sent: 02 June 2022 14:02
To: VWS Legal [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED]
 [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]
 Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions
 Communication [REDACTED]
Subject: Order to provide comments regarding witness familiarisation of P-2475

Dear colleagues of the VWU,

Noting the information provided by P-2475 during his testimony on 30 May 2022 with regard to his witness familiarisation (see ICC-01/14-01/18-T-131-CONF-FRA, p. 34, line 5 - p. 36, line 22), the Single Judge instructs the VWU to provide its comments regarding the compliance with the applicable witness familiarisation protocol (ICC-01/14-01/18-677-Anx1) by 8 June 2022.

Kind regards, TC V