

ANNEX 54

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 26 October 2022 09:01
To: OTP CAR IIB; Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Urgent directions regarding the testimony of [REDACTED]
Importance: High

Dear Counsel,

The Chamber was informed by CMS on [REDACTED], at 16:01, that the witness [REDACTED], the Court Officer [REDACTED] and [REDACTED] were sitting in the same room during the hearing that day. However, CMS also indicated that the witness was escorted in and out of the room and that the Court Officer was present during the entire hearing.

CMS has been immediately instructed to change the seating arrangement going forward and to inform the Chamber more timely of such matters in the future. Furthermore, it was stressed that sitting in a separate room than [REDACTED] is a standard that the Chamber expects for all witnesses (emails from the Chamber's Legal Officer to CMS, [REDACTED], at 16:06 and 17:28).

The Chamber trusts that CMS has adjusted the seating arrangements accordingly. Nonetheless, and given the discrepancy between the information received by the Chamber and that provided by the Prosecution below, the Chamber instructs CMS to provide a full account and explanations of the sitting arrangement of [REDACTED], including and in particular whether any interactions took place between the witness and [REDACTED].

CMS is instructed to provide this explanation by 09:30 today.

Kind regards, TCV

From: OTP CAR IIB [REDACTED]
Sent: 25 October 2022 19:58
To: Trial Chamber V Communications [REDACTED]
Subject: [REDACTED] Contacts
Importance: High

Dear Trial Chamber V,

It came to our attention that [REDACTED] the [REDACTED] [REDACTED] was seated in a room immediately adjacent to that from which [REDACTED] was testifying [REDACTED].

We understand that during the course of the day (*i.e.*, during [REDACTED]'s direct testimony) there may have been contact between the two. But in any event, their positioning created a risk of unobserved contact/communication. We understand that this was promptly brought to the attention of CMS and particularly that the circumstances should be reported to the Chamber. The Prosecution has no indication that this has occurred and, as the Calling Party, we are concerned about the absence of any forthcoming information from CMS.

As such, we request that the Chamber directly engage CMS to obtain an explanation concerning this circumstance. In particular, whether there was any known or reported contact/communication between [REDACTED] and the

witness, or the nature of any risk thereof regarding their respective movements within [REDACTED] during the witness's testimony (for instance, during breaks), together with any such detail or information as the Chamber may deem appropriate.

This email is provided on an *ex parte* basis given its nature. Thank you for your consideration.

Kind regards,

Kweku Vanderpuye



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Pénale
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