

ANNEX 8

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Version

From: Trial Chamber V Communications
Sent: 15 February 2023 14:18
To: D29 Yekatom Defence Team; VWS Legal
Cc: OTP CAR IIB; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer; Trial Chamber V Communications; Chamber Decisions Communication
Subject: Decision on the Yekatom Defence's Request for a Registry Report in relation to P-0487's addition to Witness Statement

Dear Counsel, dear colleagues of the Registry,

The Single Judge takes note of the Yekatom Defence's request below for a report on the circumstances under which P-0487 provided his '*Complement de declaration*' (see email from the Prosecution, 11 February 2022, at 00:47).

In order to expedite the proceedings and facilitate the participants' preparation of P-0487's examination, the Single Judge considers that the requested information should be provided in advance of P-0487's testimony tomorrow. Accordingly, he orders the Registry to respond to the Yekatom Defence's questions below and report on any other noteworthy information in this regard by 16:00 today. The report may be submitted per email, and should be sent to all participants.

Kind regards, TC V

From: [REDACTED]
Sent: 14 February 2023 17:57
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED] V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: Request for Registry report in relation to P-0487 addition to Witness Statement

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Dear Trial Chamber V,

The Defence takes note of the transmission of the further information provided by P-0487 in respect of his prior Statement, contained in a document titled "*Complement de declaration*", (the 'Document').

However, bearing in mind that paragraphs 86 and 88 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) indicate that the statement shall be made available on the premises of VWU for the witness to read and correct if necessary, the Defence is concerned as to the circumstances under which the Document was produced by the witness. Indeed, given that the Document is dated 6 February 2023, which could be prior to the witness's arrival in The Hague, and that it is typed and not handwritten, the Defence respectfully requests the Chamber to order the Registry to produce a report addressing the following questions :

- 1) Was this document prepared by the witness unilaterally and outside the context of the witness familiarisation and/or statement correction process?
- 2) Was this document drafted on the VWU premises or the Court premises and if so, under any supervision?
- 3) Did the witness have access to his statement outside the premises of VWU?

The Defence respectfully submits that in light of the Chamber's "Decision Adopting Additional Directions regarding Statement Corrections during Witness Familiarisation" (ICC-01/14-01/18-1608), in which the Chamber underlined that the ambiguous origin of corrections made to witness statements during the familiarisation process has disrupted the proceedings and that valuable hearing time was spent clarifying these matters, the above questions should be addressed by the Registry, in a report, in order to indeed avoid wasting valuable hearing time and in order to clarify the circumstances under which the Document was prepared and handed over by the Witness.

Kind regards,



Legal Consultant, Yekatom Defence

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