

ANNEX 10

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 17 May 2023 08:58
To: Vanderpuye, Kweku; Trial Chamber V Communications; OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Cc: [REDACTED] Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Order setting deadline to provide views on Prosecution email regarding certification P-2467

[ICC] RESTRICTED

Dear counsel,

The Single Judge takes note of the Prosecution's email below and, in light of the timing considerations involved, instructs the participants to provide their views, if any, no later than today, 17 May 2023, at 11:00.

Kind regards,
 TC V

From: Vanderpuye, Kweku [REDACTED]
Sent: 16 May 2023 19:09
To: Trial Chamber V Communications [REDACTED]; 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]
Cc: [REDACTED]
Subject: OTP Certification P-2467
Importance: High

[ICC] RESTRICTED

Dear Trial Chamber V

Dear Counsel,

Below please see our earlier communication to the Trial Chamber concerning the prospective certification of P-2467's Prior Statement under rule 68(2)(b). As the witness is currently available to certify his Statement here at the seat of the Court we are seeking to have that done, as it would be highly cost efficient.

We believe that there is no legal impediment in doing so in advance of the Chamber's ruling on the pending application. However, we are informed by the Registry that they require the Chamber's further permission to engage the process. Note that the Chamber directed the Registry Legal Office to designate a person for this purpose already in May 2020 (*see* ICC-01/14-01/18-508).

The Prosecution would very much appreciate the Chamber's prompt intervention to ensure that the Registry can go forward with the certification as proposed, *this week*. Thank you for your consideration.

Kind regards,

Kweku Vanderpuye

From: Vanderpuye, Kweku

Sent: 16 May 2023 16:31

To: Trial Chamber V Communications [REDACTED]; [REDACTED]

Subject: OTP Certification P-2467

Importance: High

Dear [REDACTED]

We have a pending rule 68(2) application regarding [REDACTED]. We have been in contact with the witness [REDACTED]. He is presently in France, and able to travel to The Hague this week to certify his statement. We have engaged the Registry, who insists that we seek some clarification from the Chamber.

I believe there is nothing that prevents them from certifying the Statement in advance of the Chamber's ruling – as it merely devolves on a question of expense and resources. If, at the end of the day, the Chamber does not authorise the submission of the statement under the rule, the fact that it is certified changes nothing. On the other hand, if the submission is authorised, then certifying it ahead of time will save the Court and Registry substantial time and money and avoid having to travel to another country potentially to conduct a certification process.

The short of it is, I would like to know whether the Trial Chamber has any concerns about our proceeding to engage the Registry to certify the witness's statement presently. If you can let me know as soon as possible that would be good. We are in the process of working out the logistics for him to travel up here from France. Thanks.

Kind regards,

Kweku



Cour
Pénale
Internationale
International
Criminal
Court



Kweku Vanderpuye

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