

ANNEX 16

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 22 May 2024 16:14
To: D29 Yekatom Defence Team
Cc: OTP CAR IIB; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; Trial Chamber V Communications; Chamber Decisions Communication
Subject: Decision on the Yekatom Defence request for leave to file its annexes to the bar table motions in A3 format

[ICC] RESTRICTED

Dear counsel,

The Single Judge takes note of the Yekatom Defence's email below and its request for leave to file its annexes to the bar table motions in A3 format. Noting that this would improve the clarity and comprehensibility of the annexes, the Single Judge sees no issue with authorising the proposed course of action and grants the request.

Kind regards,
 TC V

From: Dimitri, Mylene [REDACTED]
Sent: Tuesday, May 21, 2024 12:39 PM
To: Trial Chamber V Communication [REDACTED]
Cc: OTP CAR IIB [REDACTED] D30 Ngaissona Defence Team [REDACTED]
 D29 Yekatom Defence Team [REDACTED] V44 LRV Team OPCV [REDACTED]
 [REDACTED] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]
 Associate Legal Officer-Court Officer [REDACTED]
Subject: Yekatom Defence Update on Bar Table Motions and 68(2)(b)(ii) Declarations

Dear Trial Chamber V,

In accordance with the Trial Chamber's "Order Amending the Deadline for Bar Table Motions by the Defence and Instruction regarding Rule 68(2)(b) Declarations" the Defence provides the following updates.

Bar Table Motions

The Defence has sent on a rolling basis as of 20 March two bar table motions, consisting of four annexes in total, to all parties and participants for their position on each item in accordance with the Initial Directions on the Conduct of Proceedings (ICC-01/14-01/18-631). These two bar table motions will be filed by 31 May 2024.

The Defence will file two further bar tables by 28 June 2024 and its remaining bar table by 18 July 2024 respectively. Currently, these bar tables also include items which are the subject of pending requests for submission by email. The Defence will remove any duplicates following the Chamber's email decision on these items.

In relation to its miscellaneous items i.e. the sixth bar table listed in the Defence list of anticipated items (ICC-01/14-01/18-2392), the Defence will file this catch-all motion at the latest within one week after the testimony of the last witness called by the Defence in accordance with the Trial Chamber's Further Directions on the Conduct of Proceedings (ICC-01/14-01/18-2342) and the Chamber's Order amending the deadline for bar table motions by the Defence.

The Defence also takes this opportunity to seek leave to file its annexes to the bar table motions in A3 format in order to facilitate the Chamber's comprehension of the items submitted. As depicted in the screenshots attached, and in order to facilitate the Chamber's holistic assessment of the evidence during its deliberations, the Defence has made additional reference to the chain of custody of the items as well as related submitted items in support of its submissions concerning the relevance and probative value of each item.

The images attached offer an overview of the different columns the Defence plans to incorporate in its annexes to ensure maximum comprehensibility. To prevent the columns from becoming too narrow and to minimize paper usage when producing hard copies, the Defence proposes a straightforward shift from A4 to A3 paper size for better clarity and comprehension.

Rule 68(2)(b)(ii) declarations

The Defence has conducted its rule 68(2)(b)(ii) declaration on a rolling basis with the assistance of the Registry with the associated meeting notes disclosed to the Chamber, parties and participants. The Defence has a remaining four declarations to complete and undertakes to notify the Chamber upon completion.

Kind regards,
Mylène Dimitri

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