

Annex 26

Public Redacted

From: Trial Chamber VI Communications
Sent: 20 September 2024 17:08
To: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team
 OPCV
Cc: Trial Chamber VI Communications; Associate Legal Officer-Court Officer;
 Chamber Decisions Communication
Subject: FW: 240916 - Provision of the schedule of witness appearance
Attachments: Schedule of appearance for Prosecution witnesses - 16 September to 14
 November 2024.docx

Dear parties and participants,

The Chamber has received the Prosecution's updated Schedule of Appearance of its remaining witnesses. It takes note of the Prosecution's decision to no longer call P-2172.

The Chamber further notes that, although the Prosecution assured the Chamber that it was capable of finishing the presentation of all its witnesses 'by October', subject to everything going according to plan (T-089-CONF-ENG CT, p. 50), the latest Schedule indicates that the last witness will finish his testimony on 14 November 2024.

The Chamber hereby informs the parties and participants that it will not be sitting on 8 November. It will also not be sitting the week thereafter. The Chamber therefore urges the Prosecution to make every effort to finalise the presentation of testimonial evidence by 7 November 2024 and strongly encourages the parties to collaborate towards this end.

The Chamber is conscious of the fact that it converted two witnesses (P-0529 and P-2239) from Rule 68(2)(b) to Rule 68(3). The Chamber is also aware that there is still no clarity as to whether or not P-0975 is willing to testify in this trial. The Chamber further understands that P-1563 may not be able to testify as scheduled due to reasons beyond the Court's control.

In order to enable the Prosecution to finish by 7 November, the Chamber is prepared to hold additional hearings on 30 September, 22, 23, 24, 25, and 28 October 2024. The Chamber leaves it to the Prosecution to liaise with the Defence and the Registry about the feasibility of (re)scheduling witnesses on two or more of these days.

The Chamber also encourages the Prosecution to prepare and/or call witnesses via AVL if this can expedite or facilitate matters. The Chamber refers to the Prosecution's position in respect of preparation of P-1339 and notes, in this regard, that, according to the Witness preparation protocol, it suffices to provide the witness with an opportunity to review his or her prior statements (ICC-01/14-01/21-251-AnxA, para. 18). There is no requirement for the calling party to go over the entire prior recorded testimony line by line together with witnesses who testify fully *viva voce*, unless the witness is unable to read and/or wishes his or her prior recorded testimony to be read to him or her in full.

In order to allow the Registry to organise possible additional hearings in good time, the Prosecution is instructed to provide the Chamber with an updated Schedule of Appearance, including any additional sessions on the abovementioned dates, by 25 September 2024 at the latest.

Kind regards,
Trial Chamber VI

From: [REDACTED]
Sent: Monday, September 16, 2024 3:02 PM
To: Trial Chamber VI Communications [REDACTED]
Cc: OTP CAR IIA Communications [REDACTED] D33 Said Defence Team
[REDACTED] Said LRV Team OPCV <[REDACTED]>;
Associate Legal Officer-Court Officer [REDACTED]
Subject: 240916 - Provision of the schedule of witness appearance

[ICC] RESTRICTED

Dear Trial Chamber VI,
Dear all,

In compliance with paragraph 10 of the Additional Directions on the Conduct of Proceedings (ICC-01/14-01/21-479), the Prosecution provides the attached schedule of appearance for the witnesses that it intends to call from 16 September – 14 November 2024.

The Prosecution further informs the Chamber, that it shall not be calling witness P-2172, the witness does not wish to testify given the position he holds in his Church and his religious beliefs inter alia.

Best regards,

[REDACTED]

Sent on behalf of the SAID Prosecution Team