

From: Trial Chamber V Communications
Sent: 03 February 2021 10:52
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: ICC-01/14-01/18 - Planning - Opening / Evidence

Follow Up Flag: Follow up
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Dear Counsel,

The Chamber takes note of the Prosecution's queries below, which have been partly addressed in the Chamber's 'Decision on Matters concerning Opening Statements' (ICC-01/14-01/18-862).

The Chamber notes that the remainder of these queries concerns (i) the dates of the second evidentiary block and (ii) 'contingency planning for audio-video-link testimonies'. The Chamber understands the latter to refer to situations where Registry personnel cannot travel to the relevant location due to Coronavirus Pandemic travel restrictions, or would be subject to quarantine obligations. The question arising thereof is whether, in such scenarios, state authorities could assist with facilitating the video-link in lieu of Registry personnel.

With respect to the second evidentiary block, the Chamber notes that the dates will be communicated to the participants in due course. As regards the video-link testimonies, the Chamber notes that the Prosecution's request lacks specific information. As a matter of principle, the Chamber considers that video-link testimony should be facilitated by the Court's personnel. However, the Chamber is mindful that the present circumstances may render this principle difficult. If such difficulties thus arise, the Prosecution is instructed to liaise with the Registry to explore which measures could be employed in a specific case. As appropriate, the Prosecution may then approach the Chamber with a concrete request.

Kind regards, TC V

From: [REDACTED]
Sent: 28 January 2021 14:43

Subject: ICC-01/14-01/18 - Planning - Opening / Evidence

Dear Trial Chamber V,

Dear All,

As the Prosecution continues its preparation for its opening statements and presentation of its case, there is certain information which we consider would be helpful in terms of planning.

Opening:

The specific sitting hours contemplated for each hearing day

- The active and break periods are also important to note, as it may affect the structure or sequence of the anticipated presentation
- The number of available hours expected for presentations on the first day following any preliminary proceedings, remarks, and/or directions by the Chamber

Mode(s) of participation of the Parties and Participants

- Whether remote participation is contemplated generally (i.e., beyond the specific request by the CLRVs) and to what extent this may be directed or might otherwise be available

Number of individuals permitted inside the Courtroom during the hearing

- The maximum number of individuals permitted inside the Courtroom and specifically, regarding each of the Parties and Participants, noting any other applicable restrictions (if any)

The above information would greatly assist in ensuring that our opening statement can be executed as streamlined and efficiently as possible. In terms of our further planning, and in view of logistical considerations regarding the presentation of evidence, the following would also be helpful:

Presentation of Evidence:

The date(s) planned for the second block of evidence (and subsequent blocks)

- Whether the same sitting times for hearings are expected to apply, which may impact the number and potential sequence of witnesses to be called
- Provision of other anticipated block dates, applicable sitting times, and other relevant restrictions

AVL contingencies

- Whether there are contingency arrangements in place in the event of COVID-19 restrictions in the host or relevant states
 - For instance, does the Chamber intend to dispense with the presence of a Registry official at the site of an AVL hearing where the State is closed to external travel, or where the applicable quarantine period(s) is otherwise cost or logistically prohibitive for Registry personnel (i.e., on the way in or the way back)
 - Or dispense with such a practice or requirement with respect to certain classes of individuals altogether (e.g., experts); or more limitedly, do so when the relevant State's authorities can provide the necessary assistance or assurances in the administration of the proceeding, which Registry personnel would normally deal with

This information would be of great assistance in concretely planning the presentation of the Prosecution's case-in-chief, together with the VWS.

Any information that the Chamber could provide with respect to both matters above at the earliest would be very much appreciated. Thank you for your consideration.

Kind regards,

On behalf of Kweku Vanderpuye