

From: Trial Chamber V Communications
Sent: 25 February 2021 14:42
To: Vanderpuye, Kweku; Trial Chamber V Communications; OTP CAR IIB Managers; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Chamber Decisions Communication
Subject: RE: Opening Statements - Materials
Follow Up Flag: Follow up
Flag Status: Flagged

Dear counsel,

The Chamber takes note of the Prosecution's email regarding the use of materials during its opening statements, which were not listed in its final list of material to be used pursuant to the Initial Directions, ICC-01/14-01/18-631, para. 14 (the 'Final List').

The Chamber finds these errors regrettable, particularly in light of the preceding lengthy litigation regarding the Prosecution's Final List (*see, inter alia*, email from the Chamber on 5 February 2021, at 09:39). However, the Chamber notes that all materials listed below were disclosed within the disclosure deadline set by the Chamber, have already been used during the Confirmation of Charges Hearing or constitute an agreed fact. The Chamber further notes that the Defence has not raised any issues in relation to these errors. In light of these circumstances, the Chamber considers that no further action is required at this point.

The Chamber appreciates the Prosecution's honesty in flagging these matters. Further noting the Prosecution's assurances with regard to reviewing its internal processes, the Chamber trusts that such errors will be avoided in the future.

Kind regards, TC V

From: Vanderpuye, Kweku <[REDACTED]>
Sent: 19 February 2021 15:30
To: Trial Chamber V Communications [REDACTED]
 [REDACTED]
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Subject: Opening Statements - Materials
Importance: High

Dear Trial Chamber V

Dear All,

At the conclusion of the our Opening Statement on Wednesday, it was brought to our attention that one slide used during our presentation contained a transcript reference (CAR-OTP-2118-5633) that was not on the Prosecution's Final List of Materials to be used in Opening Statements ('Final List').

Upon checking the indicated slide, it indeed contained a transcript reference derived from a video (CAR-OTP-2059-0384) that itself is listed in the Final List. Given this circumstance, the Prosecution re-reviewed all 121 slides displayed during its 4-hour presentation. Regrettably, they contain the following errors:

- ICC-01/14-01/18-282-Conf-AnxF1 – Map of Bangui and surroundings (DCC Annex shown during the Confirmation Hearing);
- ICC-01/14-01/18-282-Conf-AnxF10 – Map of Mbaiki and surroundings (DCC Annex shown during the Confirmation Hearing);
- CAR-OTP-2032-0074 – Communiqué de presse (disclosed 12 July 2019 and shown during the Confirmation Hearing);
- CAR-OTP-2118-5633 – Transcript of video CAR-OTP-2059-0384 (disclosed 12 March 2020 (its draft (CAR-OTP-2107-3026 was disclosed 9 August 2019 and shown during the Confirmation Hearing));
- CAR-OTP-2004-1530 – 3 February 2013 Decree appointing Ngaissona as Minister of Youth (disclosed 6 November 2020);
- CAR-OTP-2078-0059 – Statement of P-2027 (disclosed on 17 May 2019); and
- CAR-OTP-2127-4238 – Statement of P-2841 (disclosed on 9 November 2020)

Of the seven items above, as noted, four were previously used in the Prosecution's Confirmation Hearing presentations and one (the Appointment Decree), comprises an Agreed Fact (ICC-01/14-01/18-811-Conf-AnxA-Corr, A.3). All were timely disclosed or duly filed.

Although these errors may not have caused significant prejudice to the Parties and Participants, I acknowledge and take responsibility for breaching the letter and spirit of the Chamber's very clear directive, and further appreciate that it undermines our previously stated compliance. The Prosecution is acutely mindful of the Chamber's 5 February 2021 rebuke and warning, and profoundly regrets this unfortunate circumstance.

We wish to assure the Chamber, the Parties, and the Participants, that we intend to review and revise our team's internal processes and communication practices to best avoid these kinds of mistakes in the future.

Kind regards

Kweku Vanderpuye



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