

ANNEX 7

PUBLIC

From: Trial Chamber V Communications
Sent: 01 July 2021 16:46
To: [REDACTED] Vanderpuye, Kweku; [REDACTED]; Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Decision on scheduling matters regarding the 4th evidentiary block

Dear all,

The Single Judge takes note of the emails by the VWU, the Prosecution, the Yekatom Defence and Ngaissona Defence below.

The Single Judge notes that the Prosecution proposes [REDACTED] during the upcoming evidentiary block, on 14 July 2021, but to hear his testimony only later this year. Noting that the Defence made no objections in this regard, the Single Judge accepts this proposed course of action, provided that this will not delay the testimony of witnesses scheduled during the upcoming evidentiary blocks.

As regards the Defence's objections to the scheduling of P-0965 as a contingency, the Single Judge takes note of the concerns raised and directs the Prosecution to disclose the lesser redacted version of [REDACTED]'s materials by tomorrow, 2 July 2021. The Single Judge does not consider any further action warranted at this point, noting that the Prosecution is confident that P-0884 will be able to testify during this block and that the tentative date for P-0884's (or P-0965's) testimony is only in two weeks.

Lastly, the Single Judge encourages the Prosecution to generally discuss contingency plans with the other participants going forward.

Kind regards, TC V

From: [REDACTED]
Sent: 01 July 2021 10:32
To: [REDACTED] Vanderpuye, Kweku [REDACTED] [REDACTED]
[REDACTED] Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations [REDACTED]
Subject: Re: Updated Prosecution Witness Order and Schedule for Block 4

Dear Trial Chamber V,
Dear All,

In response to the Prosecution's email of 30 June 2021, the Defence for Mr Ngaissona opposes witness P-0965 being called as a "contingency" in the current witness block period, at this eve of the commencement of the fourth block.

In addition to the grounds raised by the Defence team for Mr Yekatom, with which we fully concur, including the fact that the Prosecution has yet to disclose the lesser redacted transcripts of witness [REDACTED]

statement, a full analysis of which is indispensable for the preparation of cross-examination of Witness P-0965, calling Witness P-0965 at the last minute as a "contingency" in this block would be unduly prejudicial to our client. This is particularly so given the nature of [REDACTED] and P-0965's statements as insider witnesses whose anticipated testimonies are not only voluminous, complex, and potentially incriminating against Mr Ngaïssona, but also given their statements [REDACTED]

Additionally, the Defence objects to the Prosecution's general approach of putting forward such voluminous insider witnesses as "contingencies", which hampers the Defence's ability to efficiently prepare and focus its resources. We respectfully suggest, as an alternative, that crime-based witness be proposed as potential alternatives, should a scheduled witness be no longer available.

Kind regards,

[REDACTED]
[REDACTED] Defence for Mr Ngaïssona

From: [REDACTED]
Sent: 30 June 2021 19:29
To: Vanderpuye, Kweku [REDACTED]
 Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaïssona Defence Team
 [REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team
 [REDACTED] V45 LRV Team [REDACTED]; OTP CAR IIB Case Management
 [REDACTED] OTP CAR IIB Operations [REDACTED]
Subject: RE: Updated Prosecution Witness Order and Schedule for Block 4

Dear Trial Chamber V,
 Dear All,

The Defence for Mr Yekatom wishes to respectfully raise its concerns regarding the contingency status of P-0965 in the upcoming Evidentiary Block.

As the Chamber is aware, on 16 June 2021 the Prosecution sought authorisation to lift redactions to the transcripts of [REDACTED] on 17 June 2021 this request was granted, and the Prosecution was instructed by the Chamber to liaise with VWU to this end (see, email from Chamber, 17 June at 15.41, attaching Prosecution's 16 June email request).

This Prosecution request was made further to an *inter partes* Defence request for redaction lifts ahead of the testimony of P-0965, on the basis that i) [REDACTED]
 [REDACTED]; and ii) [REDACTED] the Defence required lesser redacted transcripts of P-0306 in order to cross-check the two witnesses' evidence, so as to be in a position to effectively prepare and conduct a meaningful cross-examination of P-0965. Providing lesser redacted transcripts of [REDACTED] sufficiently ahead of the evidence of P-0965 would also reduce the risk that the latter need be recalled in the event that relevant material is disclosed in the redaction lift.

The requested lesser redacted transcripts are yet to be disclosed. Given that these transcripts run to roughly 450 pages in length, and given the imminent commencement of Block 4, the Defence estimates that it would require at least two working weeks to effectively analyse and [REDACTED]. As such, should the Prosecution seek to lead the evidence of P-0965 in the upcoming block, the Defence respectfully requests that it be allowed to do so only on the condition that i) the Prosecution disclose the lesser redacted transcripts of [REDACTED]

by close of business on Friday 2 July; and ii) that in any event, the evidence of P-0965 be postponed to 19 July at earliest.

Lastly, noting that the Ngaïssona Defence team has provided a lengthier cross-examination duration estimate, the Defence defers to the Ngaïssona Defence position should the continued contingency status of P-0965 at this stage occasion additional prejudice to their preparations.

Best regards,

[REDACTED]

[REDACTED] Yekatom Defence

From: Vanderpuye, Kweku [REDACTED]

Sent: 30 June 2021 16:37

To: [REDACTED] Trial Chamber V Communications

Cc: D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; [REDACTED]

Subject: RE: Updated Prosecution Witness Order and Schedule for Block 4

Dear All,

The Prosecution is given to understand that the exchange below may create some confusion with respect to the upcoming Block and prospective witness order. To that extent, the Prosecution clarifies as follows:

First, the intended witness order remains P-2328; P-0291; and P-0884. P-0965 remains a contingency in the event that P-0884's anticipated testimony is derailed for any reason.

Second, in respect of P-2625, the Prosecution has requested that he [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

We consider that at this stage, this is a balanced and pragmatic approach to this issue. However, it remains of course subject to the sanction and/or further direction of the Chamber. Please let us know if you have any questions or concerns. Thank you.

Kind regards,

Kweku Vanderpuye

From: [REDACTED]

Sent: 29 June 2021 16:43

To: Trial Chamber V Communications [REDACTED]

Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaïssona Defence Team

[REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team

[REDACTED] V45 LRV Team [REDACTED] OTP CAR IIB Case Management

[REDACTED] OTP CAR IIB Operations [REDACTED]

[REDACTED]

Subject: RE: Updated Prosecution Witness Order and Schedule for Block 4

Dear colleagues,

Dear counsels,

Kind regards,

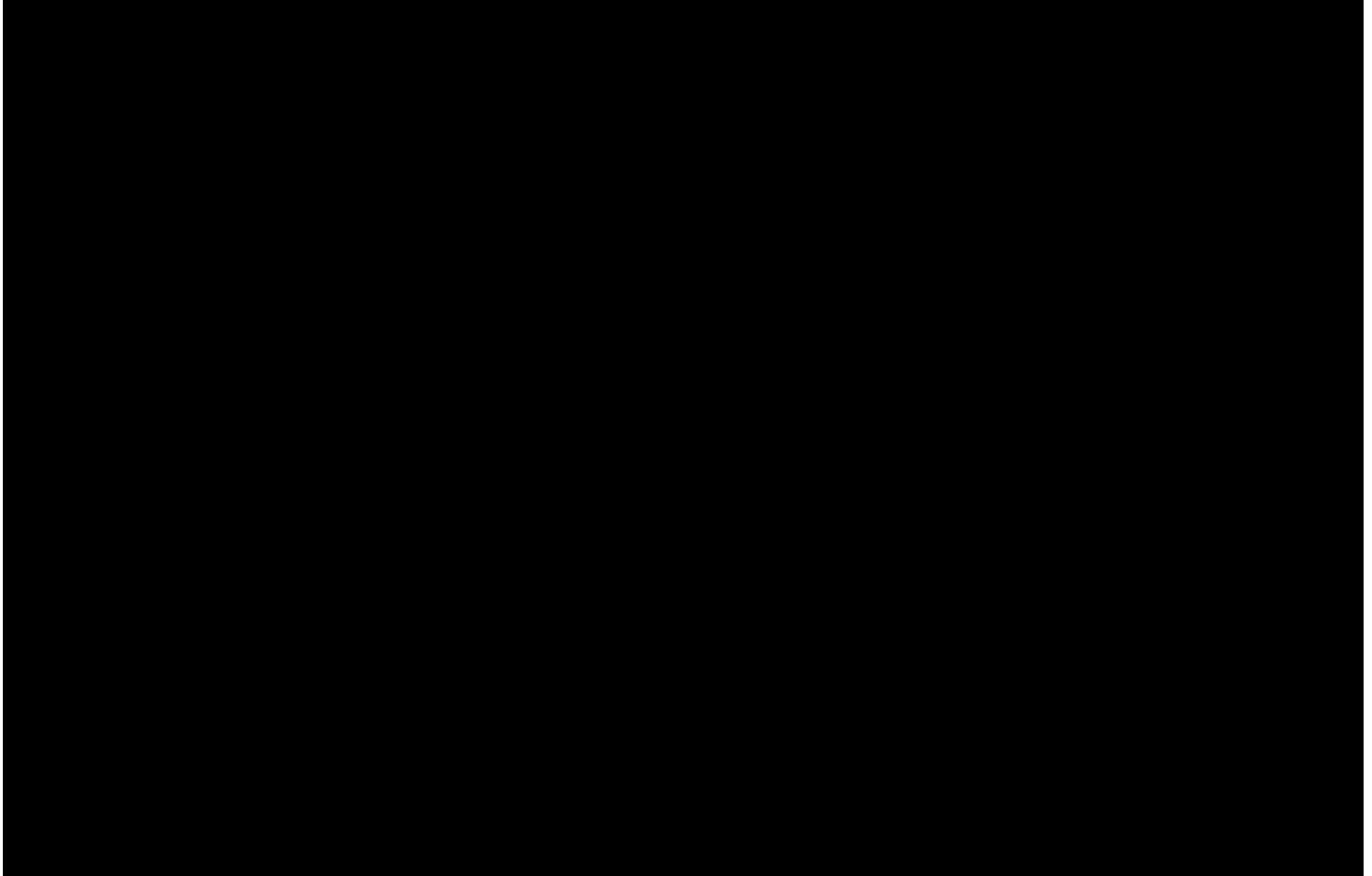
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From: [REDACTED]
Sent: vendredi 18 juin 2021 13:27
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team
[REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team
[REDACTED] V45 LRV Team [REDACTED] OTP CAR IIB Case Management
[REDACTED] OTP CAR IIB Operations [REDACTED]
[REDACTED]
Subject: Updated Prosecution Witness Order and Schedule for Block 4

Dear Trial Chamber V,

Dear All,

The Prosecution intends to call P-0884 due to the apparent continued 'unavailability' of P-2625 for the scheduled date of testimony at this time. Given the Parties' and Participants' revised estimates for the witnesses preceding and the 20 July 2021 Court holiday, it is likely that the available hours in Block 4 may be insufficient. For the moment we will retain P-0965 as a contingency, pending P-0884's clearance of the applicable COVID-19 pre-testimony protocol. Please note the updated chart below.



Should you have any concerns, please let us know. Thank you.

Kind regards,

On behalf of Kweku Vanderpuye

<i>Order</i>	<i>Witness number</i>	<i>HQ / Video-link</i>	<i>Language</i>	<i>Estimated duration - OTP</i>	<i>Estimated duration - YEKATOM</i>	<i>Estimated duration - NGAISSONA</i>	<i>Estimated duration – CLRV 1</i>	<i>Estimated duration – CLRV 2</i>
13.	CAR-OTP-P-2328	HQ	French	8	6	6-7	0.75-1.25	0.5
14.	CAR-OTP-P-0291	AVL	French/Sango	2	6	4.5	0	0.5
15.	CAR-OTP-P-0884	Switched to HQ	French	8-12 (latter expected by OTP)	5	6-7	0	0.3

16.	CAR-OTP-P-0965 (contingency)	HQ	Sango	4	1	4	0.75-1.25	0.5
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