

ANNEX 19

PUBLIC

From: Trial Chamber V Communications
Sent: 19 July 2021 16:22
To: [REDACTED]
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: RE: Yekatom Defence request for leave to amend its List of Material for P-0884

Dear counsel,

The Single Judge takes note of the Yekatom Defence's requests to add five items to its list of documents for P-0884 (see below emails from the Yekatom Defence, 16 July 2021, at 20:28; 19 July 2021, at 13:58) (the 'Requests'). Noting the circumstances at hand and the explanations provided, and in the absence of any objections by the other participants, the Single Judge grants the Requests. The Yekatom Defence is directed to provide an updated list of documents today as soon as possible.
 Kind regards, TC V

From: [REDACTED]
Sent: 19 July 2021 13:58
To: Trial Chamber V Communications
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer
Subject: RE: Yekatom Defence request for leave to amend its List of Material for P-0884

Dear Trial Chamber V,

The Yekatom Defence respectfully requests leave from the Chamber to further amend its list of items it intends to use during the expected testimony of P-0884 (the "List"), originally sent on 14 July 2021 at 21h45 (this request is made in addition to its first request for amendment sent on 16 July 2021 at 20:28).

The additional documents consist of an audio (CAR-OTP-2042-1457) and its transcription (CAR-D29-0006-0092). The Defence submits that good cause exists to allow late addition of these documents. The Defence intends to use these documents with P-0884 following his evidence elicited today in relation to the specific content of a speech made by Catherine Samba-Panza regarding the liberation of hostages from the Yamwara school (see T-056-ENG, page 18 line 3 to line 11). Further the matter is directly linked to charges 11, 12, 14, 15 and 16 (see ICC-01/14-01/18-403-Conf-Corr, pages 104-107).

Best regards,

[REDACTED]
 Legal Assistant, Yekatom Defence

From: [REDACTED]
Sent: 16 July 2021 20:28
To: 'Trial Chamber V Communications'
Cc: 'OTP CAR IIB Case Management'; 'OTP CAR IIB Managers'; D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team; 'V44 LRV Team OPCV'; 'V45 LRV Team'; 'Associate Legal Officer-Court Officer'
Subject: RE: Yekatom Defence request for leave to amend its List of Material for P-0884

Dear Trial Chamber V,

Please find below a corrected version of the request as, due to an oversight, we did not include the ERN of the material we intend to use. Our apologies for the inconvenience.

The Yekatom Defence respectfully requests leave from the Chamber to amend the list of items it intends to use during the expected testimony of P-0884 (the "List"), originally sent on 14 July 2021 at 21h45.

The additional documents consist of a video (CAR-OTP-2065-1648), its translation (CAR-D29-0006-0232-R01) and its metadata (CAR-OTP-2065-6378).

The Defence intends to use those documents with P-0884 following his assertion that he met Mr. Yekatom on 5 December 2013 (see transcript T-055-ENG RT, page 90 line 24 to page 92 line 15).

The Defence contends that it could not have expected this assertion to be made during the testimony of P-0884 as, per the summary of his anticipated testimony, "P-0884 first saw YEKATOM giving an interview, but did not meet

with him" (*para. 30*) and that "P-0884 will further explain that YEKATOM participated in the 5 December 2013 attack, but P-0884 did not see him" (*para. 47*).

In light of the novelty and importance of the information, the Defence asserts that amending the List is necessary and will not unduly prejudice the parties and participants as the video and its metadata were disclosed by the Prosecution on 3 July 2020 and 26 February 2021 respectively.

Kind regards,

[REDACTED]

From: [REDACTED]

Sent: 16 July 2021 20:11

To: Trial Chamber V Communications

Cc: OTP CAR IIB Case Management; 'OTP CAR IIB Managers'; D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer

Subject: Yekatom Defence request for leave to amend its List of Material for P-0884

Dear Trial Chamber V,

The Yekatom Defence respectfully requests leave from the Chamber to amend the list of items it intends to use during the expected testimony of P-0884 (the "List"), originally sent on 14 July 2021 at 21h45.

The additional documents consist of a video, its translation and its metadata. The Defence intends to use those documents with P-0884 following his assertion that he met Mr. Yekatom on 5 December 2013 (*see transcript T-055-ENG RT, page 90 line 24 to page 92 line 15*).

The Defence contends that it could not have expected this assertion to be made during the testimony of P-0884 as, per the summary of his anticipated testimony, "P-0884 first saw YEKATOM giving an interview, but did not meet with him" (*para. 30*) and that "P-0884 will further explain that YEKATOM participated in the 5 December 2013 attack, but P-0884 did not see him" (*para. 47*).

In light of the novelty and importance of the information, the Defence asserts that amending the List is necessary and will not unduly not prejudice the parties and participants as the video and its metadata were disclosed by the Prosecution on 3 July 2020 and 26 February 2021 respectively.

Kind regards,

[REDACTED]

Legal Consultant

Yekatom Defence

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