

ANNEX 27

PUBLIC

From: Trial Chamber V Communications
Sent: 21 August 2021 18:19
To: Vanderpuye, Kweku; Trial Chamber V Communications
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; [REDACTED] Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Decision regarding the witnesses scheduled for evidentiary block 5
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Yekatom and Ngaïssona

Dear Counsel, dear all,

The Chamber takes note of the latest updates received from the Prosecution (see email below) and the VWU (see email from the VWU on 20 August 2021, at 13:40) regarding the schedule of evidentiary block 5, as well as the Ngaïssona Defence's objections to hearing witnesses P-2843 and P-0965 during this block (see email from the Ngaïssona Defence, 18 August 2021, at 09:28).

Noting that P-2843's testimony cannot be facilitated at this point, the Chamber considers the Ngaïssona Defence's objections to hearing this witness during block 5 moot.

Furthermore, the Chamber considers that no prejudice arises to the Defence by hearing P-0965 during this block. In this regard, it notes that P-0965 has already been scheduled for block 4 (see email from the Prosecution, 1 June 2021, at 17:49) and been kept as a contingency option since. The testimony of this witness during block 5 can therefore not be considered 'short notice' as submitted by the Ngaïssona Defence. Moreover, the Chamber notes that in light of the cancellation of P-2625 and P-2843's testimonies and the resulting gap in the hearing schedule next week, the Defence will have sufficient time for its preparation. Accordingly, the Chamber rejects the Ngaïssona Defence's request to not hear P-0965 during block 5. The witness will testify between 1 September 2021 and the end of the evidentiary block, i.e. 3 September 2021.

Nonetheless, the Chamber is mindful of the general concerns raised by the Ngaïssona Defence concerning the calling of insider witnesses with comprehensive evidence as contingencies (see emails from the Ngaïssona Defence, 18 August 2021, at 09:28 and 1 July 2021, at 10:32). In this regard, it instructs the Prosecution, going forward, to limit contingency plans to witnesses whose evidence is more limited in scope in order to facilitate the preparation of all participants.

Lastly, in view of the gaps during block 5 and noting the importance to ensure the expeditiousness of the proceedings, the Chamber stresses that it expects that increased efforts be made to fill the time scheduled for evidentiary block 6.

Kind regards, TC V

From: Vanderpuye, Kweku [REDACTED]
Sent: 20 August 2021 14:16
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED] D29 Yekatom Defence Team [REDACTED] D30 Ngaïssona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]

[REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]
[REDACTED]

Subject: RE: Request for update on schedule - Block 5

Dear All,

Further to our communication below and upon information recently provided by VWS, the Prosecution informs the Parties and Participants that P-2843 will not testify next week as planned. The remaining witnesses, P-2462 and P-0965 presently remain in the schedule on the dates indicated.

Should you have any questions or concerns, please let us know. As always, thank you for your flexibility and cooperation.

Kind regards,

Kweku Vanderpuye

From: [REDACTED]
Sent: 18 August 2021 18:13
To: [REDACTED] Vanderpuye, Kweku [REDACTED]
Cc: Trial Chamber V Communications [REDACTED] OTP CAR IIB Case Management
 [REDACTED] OTP CAR IIB Managers [REDACTED] D29
 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team
 [REDACTED] V44 LRV Team OPCV <[REDACTED]> V44 LRV Team
 [REDACTED]; V45 LRV Team [REDACTED]; [REDACTED]
 [REDACTED]
Subject: RE: Request for update on schedule - Block 5

Dear all,

Please find below the updated schedule of the witnesses for Block 5. Please note that we have not yet received confirmation that P-2843's testimony will be organised timely.

Kind regards,

[REDACTED]

Order	Witness number	HQ / Video-link	Language	Estimated duration - OTP	Estimated duration - YEKATOM	Estimated duration - NGAISSONA	Estimated duration – CLRV 1	Estimated duration – CLRV 2	Estimated duration (combined)
16.	CAR-OTP-P-2843	AVL	French	4	Defence asked for at least one day between the ex. and cross-ex.		0	0.5	9*
17.	CAR-OTP-P-2462	AVL	Sango	4	0	3	0	?	7*
18.	CAR-OTP-P-0965	HQ	Sango	4	2	5-6	0.75-1.25	0.5-0.75	12.5-14

From: [REDACTED]
Sent: 18 August 2021 13:24
To: Vanderpuye, Kweku [REDACTED]
Cc: Trial Chamber V Communications [REDACTED] OTP CAR IIB Case Management
 [REDACTED] OTP CAR IIB Managers [REDACTED] D29

Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team
 [REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team
 [REDACTED] V45 LRV Team [REDACTED]

Subject: Request for update on schedule - Block 5

Dear Mr Vanderpuye, dear all,

In light of the imminence of the start of the fifth block, we liaised with you yesterday to receive an update on the schedule. You mentioned that you expected the Registry to get back to you yesterday in the afternoon with information on the status of P-2625 as well as those of other witnesses scheduled to testify in this block. Can you kindly provide us with information received from the Registry, if any, as well as an updated schedule for the block?

Kind regards,

[REDACTED]
Case Manager – Ngaissona Defence

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