

ANNEX 27
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Version

From: Trial Chamber V Communications
Sent: 11 September 2023 12:32
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; 'V44 LRV Team'; V44 LRV Team OPCV; V45 LRV Team; VWS Legal
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Order on CLRV1 and Yekatom Defence Requests concerning Testimony of CAR-V45-P-0001 and CAR-V45-P-0002

[ICC] RESTRICTED

Dear Counsel,
 dear colleagues from the Registry,

The Single Judge takes note of the requests below, and instructs the VWU to provide its observations by 15:00 today on whether the appearance of the first CLRV1 witness can begin on 21 September 2023 at the seat of the Court.

Kind regards,

TC V

From: Dimitri, Mylene [REDACTED]
Sent: 11 September 2023 08:14
To: Suprun, Dmytro [REDACTED] Trial Chamber V Communications [REDACTED]
 [REDACTED]; OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team
 [REDACTED]; D30 Ngaissona Defence Team
 [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV
 [REDACTED]
Cc: V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED]
Subject: Re: Anticipated dates and time estimates of testimony of CAR-V45-P-0001 and CAR-V45-P-0002

Dear Trial Chamber V,

As indicated by Mr Suprun, we have been in contact several times to attempt to organise the proposed schedule which is truly appreciated. I will therefore add some detailed information for the Chamber's assessment as well as an additional suggestion after exchanging further with Mr. Suprun on the matter.

First, the Defence has been using the audio-video link with the Bangui COCAR office in the past weeks and the connection was poor and interrupted. Given the recent power shortage in Bangui coupled with the fact that the Defence intends to use a number of audio video material during their examination, it is indeed the Defence preference to have both witnesses testify HQ, preference that was also shared by Mr. Suprun since travel arrangements and visa requirements for CLR1 witnesses have commenced.

Second, both CLR1 witnesses will be examined by myself. As indicated in a recent communication, Counsel Guissé and I have a series of missions scheduled during the upcoming weeks that have been organised to allow me to be back a few days before P-0952's testimony and to reembark on another mission after the completion of P-0952's testimony. During that time, Counsel Guissé will also be away from 20 October up to 7 November in order to complete our missions before the deadline of 17 November. Everything has been organised and all administrative, travel and visa steps have started. Therefore, if I postpone the flight that I have on 29 September, everything else must be pushed

back which is not a viable option given the start of P-0952's testimony and the fact that I will be the only Counsel present at HQ during P-0952's testimony.

Third, missions date cannot be changed since one team member has already embarked on its mission to organize the different meetings with witnesses. It is important that Counsel meet them ahead of time for the selection of witnesses for the final list and collection of all necessary documents required by VWU several weeks and for some months ahead of testimonies.

Fourth, the Defence suggested to Mr. Suprun to start the first testimony on the 21 September rather than the 22 September in order to increase the possibility of terminating the testimony of both witnesses on time, *ie.* by the 28 September, keeping in mind that there is a holiday on the 25th. The Defence understands that the 21 September was also Mr. Suprun's preference, while it was difficult for VWU.

Fifth, for the time being, the Yekatom Defence provided a tentative estimate of 6 hours. This is a very rough estimate that will vary according to current defence investigations and the live testimony. The Defence is only in possession of the application form and a summary of the witness anticipated testimony and it's on that basis that the estimate was provided. The estimate may also vary according to the scope of the Prosecution's examination, which is unknown.

Therefore, the Defence supports CLR1's request bellow. However, in addition, the Defence respectfully requests the Chamber to invite VWU to organise the appearance of the first CLR1 witness from HQ from the 21 September.

The Defence underlines that VWU could possibly be able to accommodate this starting date by commencing the vulnerability assessment and familiarisation from Bangui prior to the witness's flight.

After a brief exchange with Mr. Suprun over the weekend, he encouraged this proposal and underlined that given that the witnesses don't have a statement there will not be a familiarisation with documents in The Hague, therefore enabling the possible start of their respective testimony on 21 September.

Kind regards,

Mylène Dimitri

From: Suprun, Dmytro [REDACTED] >
Sent: 08 September 2023 17:36
To: Trial Chamber V Communications [REDACTED]; OTP CAR IIB [REDACTED];
 D29 Yekatom Defence Team [REDACTED] >; D30 Ngaissona Defence Team
 [REDACTED] V44 LRV Team [REDACTED] >; V44 LRV Team OPCV
 [REDACTED]
Cc: V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED]
Subject: Anticipated dates and time estimates of testimony of CAR-V45-P-0001 and CAR-V45-P-0002

Dear Trial Chamber V,
 Dear All,

The CLR1 herewith provides the anticipated dates and time estimates of the testimony of witnesses CAR-V45-P-0001 (a/20722/21) and CAR-V45-P-0002 (a/65991/19).

CAR-V45-P-0001: 22, 26 and 27 (two morning sessions) September 2023.
 CAR-V45-P-0002: 27 (afternoon session) and 28 September 2023.

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)*
CAR-V45-P-0001	HQ	Sango	1 hour	6 hours	1-1,5 hours	3 hours	0	11,5 hours
CAR-V45-P-0002	HQ	Sango	1 hour	6 hours	1-1,5 hours	2 hours	0	10,5 hours

According to the VWS, the first possible date of testimony from HQ is 22 September. The CLR1 also consulted with the Yekatom Defence on the scheduling matter. The Yekatom Defence informed the CLR1 that their strong preference is to have both witnesses testifying from HQ, but because of a mission scheduled to start on 29 September 2023 which cannot be postponed, Ms Dimitri will not be able to attend the hearing eventually scheduled on 29 September 2023.

The CLR1 is mindful that the anticipated dates, if sitting on regular hours, might not be sufficient to accommodate the time estimates provided by the parties and participants. However, given the CLR1's and Yekatom Defence's strong preference to have both witnesses testifying from HQ, and in anticipating that not all parties and participants would effectively need the whole time as estimated, the CLR1 respectfully requests the Trial Chamber to uphold the proposed schedule of testimony from HQ and to consider sitting on extended hours on some of the scheduled days if need be.

If the Trial Chamber were not inclined to uphold the proposed schedule of testimony from HQ, the CLR1's intention then to call CAR-V45-P-0002 via video-link from Bangui as of 21 or 20 September 2023 (to be confirmed by the VWS) and CAR-V45-P-0001 from HQ between 26 and 28 September 2023.

Kind regards,
Dmytro Suprun

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