

Annex 14

Public

[REDACTED]

From: Pre-Trial Chamber II communications
Sent: 08 September 2023 15:44
To: D34 Mokom Defence Team
Cc: OTP CARIIB-MM Communications; Office of the Director DJSS; Associate Legal Officer-Court Officer; Court Management-Court Records; Chamber Decisions Communication; Pre-Trial Chamber II communications
Subject: ICC-01/14-01/22 - Decision Request Corrigendum List of Evidence - Public

[ICC] RESTRICTED

Dear counsel,

Noting the request by the Defence and the Prosecution's response, the Judges of Pre-Trial Chamber II grant the Defence's request to file a corrigendum of its List of Evidence.

Kind regards,
Pre-Trial Chamber II

From: von Braun, Leonie [REDACTED]
Sent: 08 September 2023 14:44
To: [REDACTED]; Pre-Trial Chamber II communications [REDACTED]
Cc: D34 Mokom Defence Team [REDACTED]; OTP CARIIB-MM Communications [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Disclosure from the migration

[ICC] RESTRICTED

Dear Chamber, dear Defence,

The Prosecution has no objections. While there are some meta-data issues which remain to be solved and on which Prosecution and Defence are liaising, this would not impact on the filing of such corrigendum.

Kind regards, Leonie von Braun

From: [REDACTED]
Sent: 07 September 2023 19:04
To: Pre-Trial Chamber II communications [REDACTED]
Cc: D34 Mokom Defence Team [REDACTED]; OTP CARIIB-MM Communications [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: Disclosure from the migration

Dear Pre- Trial Chamber II,

The Defence by way of this email would like to offer an update regarding the disclosure of material from the migration and to seek the Chamber's leave to file a corrigendum reflecting the recent change in the ERNs of items disclosed from the migration.

As instructed by The Chamber, the Defence was required to re-disclose any material it wishes to rely upon from the migration (email 3 July 2023 at 16:52). For this purpose, the Defence sought guidance from CMS (email 13 July 2023 13:07) and CMS in turn advised to “re-import (recreate) the documents [...] and assign them the defence ERN” (email 13 July 2023 at 15:50) as the original migrated items did not exist in Defence JEM and were only available through Registry JEM.

In accordance with this guidance, the Defence then proceeded to re-stamp and disclose 34 items from the migration that initially bore OTP ERNs in disclosure packages “Pre- Confirmation Rule 78 D34 package 004 14 July 2023” and “Pre- Confirmation Rule 78 D34 package 005 31 July 2023”. The Prosecution (emails 31 July 2023 12:50 & 01 August 2023 12:33) conveyed its concerns to the Defence and CMS regarding re-stamping documents. Subsequently, the Defence engaged in a series of consultations with Court Officers and E-Courts to find an alternative to re-stamping.

Last week, E- Courts finally facilitated access of the original migrated items bearing OTP ERNs within Defence JEM. As a result, the Defence was able to re-disclose them yesterday, 6 September via a metadata update “Package 005”; maintaining a single OTP stamp and changing the metadata field “Participant” from OTP to D34. Furthermore, CMS has also removed the double stamped items from Registry JEM.

The Defence respectfully seeks the leave of the Chamber to file a corrigendum to its List of Evidence to reflect the change in the ERNs to the 34 items.

Best Regards,

██████████ On Behalf of the Defence Team of Mr Mokom

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