

ANNEX 7
PUBLIC

From: Trial Chamber V Communications
Sent: 23 March 2021 22:27
To: Vanderpuye, Kweku; Trial Chamber V Communications; [REDACTED] D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; VWS Legal; Office of the Director DJSS; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers
Subject: RE: P-0287 Testimony - IMPORTANT

Follow Up Flag: Follow up
Flag Status: Completed

Dear Counsel,

The Single Judge takes note of the Prosecution's email and expresses his dismay regarding the delay with which this matter has been brought to the Chamber's attention.

Noting [REDACTED] position on the matter, the Single Judge see no other option than to postpone the testimony, at least until the afternoon session scheduled tomorrow.

The Single Judge urges the Prosecution to expeditiously find a solution in the morning and inform the Chamber and participants thereof latest by 12:30.

Kind regards, TC V

From: Vanderpuye, Kweku [REDACTED]
Sent: 23 March 2021 20:50
To: Trial Chamber V Communications [REDACTED]
[REDACTED] D30 Ngaissona Defence Team [REDACTED] D29 Yekatom Defence Team [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED] VWS Legal [REDACTED] Office of the Director DJSS [REDACTED] Associate Legal Officer-Court Officer [REDACTED] Chamber Decisions Communication [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]
Subject: P-0287 Testimony - IMPORTANT

Dear Trial Chamber V,

Dear All,

The Prosecution informs the Chamber, Parties, and Participants that a serious impediment has arisen with respect to the scheduled testimony of P-0287 tomorrow morning due to the absence of a [REDACTED] at the Court's HQ to participate in the proceedings as foreseen in the conditions of his testimony, and approved by the Chamber.

Because the terms and conditions of the witness's testimony [REDACTED] [REDACTED] the Prosecution is enquiring whether remote participation would be alternatively acceptable to [REDACTED]. We have been in contact with [REDACTED] which has taken the matter under advisement and considering it currently. However, even if acceptable, it is presently unclear whether they have personnel available to participate in a representative capacity. We have

inquired and confirmed that remote participation is technically feasible through Webex on the CMS side of things and can be implemented relatively quickly.

However, it is clear that the situation will not be resolved by tomorrow morning, as we understand that the UN is not agreeable to waiving the presence of a representative altogether. Thus unfortunately, the Prosecution considers that there is no choice at this point but to postpone P-287's testimony given the present circumstances, at least the morning sessions (and likely the day) to resolve the matter definitively.

We would request the Chamber's guidance at the earliest, such that the Parties and Participants have certainty this evening. Again, we regret this circumstance and are working hard to correct it. Thank you.

Kind regards,

Kweku Vanderpuye

From: Trial Chamber V Communications <

Sent: 22 March 2021 18:04

To: [REDACTED] Trial Chamber V Communications
 [REDACTED]; Vanderpuye, Kweku [REDACTED] D30 Ngaissona
 Defence Team [REDACTED]; D29 Yekatom Defence Team
 <[REDACTED]>; V44 LRV Team [REDACTED]; V44 LRV Team OPCV
 [REDACTED]; V45 LRV Team <[REDACTED]>; VWS Legal [REDACTED];
 Office of the Director DJSS <[REDACTED]>; Associate Legal Officer-Court Officer
 <[REDACTED]>; Chamber Decisions Communication
 [REDACTED]>

Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers
 <[REDACTED]>

Subject: RE: Witness Scheduling Issues

Dear all,

In light of the Registry's assessment below, the Single Judge sees no issues in hearing the witnesses according to the schedule proposed by the Prosecution below.

During the remainder of the first evidentiary block, the Chamber will thus hear P-0287 on 24-25 March 2021 and P-1847 on 26, 29-31 March 2021.

Kind regards, TC V

From: [REDACTED] <[REDACTED]>

Sent: 22 March 2021 16:33

To: Trial Chamber V Communications [REDACTED]; Vanderpuye, Kweku
 <[REDACTED]>; D30 Ngaissona Defence Team <[REDACTED]>; D29
 Yekatom Defence Team <[REDACTED]>; V44 LRV Team [REDACTED]; V44
 LRV Team OPCV <[REDACTED]>; V45 LRV Team <[REDACTED]>; VWS Legal
 <[REDACTED]>; Office of the Director DJSS [REDACTED]; Associate Legal Officer-
 Court Officer <[REDACTED]>

Cc: OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers
 <[REDACTED]>

Subject: RE: Witness Scheduling Issues

Dear Trial Chamber V,

Taking into consideration that, as reported by VWS, the witnesses are already in The Hague since 14 March 2021, they will have complied with the quarantine requirement on 24 March 2021. The Registry therefore does not see the need for any additional COVID-19-related protective measures.

The Registry remains available for any further questions.

Kind regards,

[REDACTED]
(on behalf of OD DJS)

From: Trial Chamber V Communications [REDACTED]
Sent: 22 March 2021 14:49
To: Vanderpuye, Kweku [REDACTED] D30 Ngaissona Defence Team
[REDACTED]; Trial Chamber V Communications [REDACTED]
D29 Yekatom Defence Team [REDACTED]; V44 LRV Team [REDACTED];
V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; VWS Legal
<[REDACTED]>; Office of the Director DJSS [REDACTED]; Associate Legal Officer-
Court Officer [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers
[REDACTED]
Subject: RE: Witness Scheduling Issues
Importance: High

Dear all,

The Single Judge takes note of the Prosecution's email below. The Single Judge understands that advancing P-0287's and P-1847's appearances would conflict with the Court's health restrictions due to Covid-19 (notably the 10-day quarantine requirement), which requires exceptional authorisation by the Chamber.

Mindful of these implications, and noting the Registry's proposed approach to provide a risk assessment and mitigating measures for requests to access the premises and the courtroom prior to completion of the quarantine (see Registry guidelines and procedures for the support of court proceedings during the COVID-19 pandemic, p. 9) the Single Judge orders the Registry to provide observations on the below matter as soon as possible today, latest by 17:30.

As regards future requests of such nature, the Single Judge instructs the Prosecution to copy the Registry (Office of the Director) into its email requests and the Registry to provide its observations thereto as promptly as possible, in order to settle scheduling matters at the earliest time feasible.

Kind regards, TC V

From: Vanderpuye, Kweku [REDACTED]
Sent: 22 March 2021 12:36
To: D30 Ngaissona Defence Team [REDACTED]; Trial Chamber V Communications
<[REDACTED]>; D29 Yekatom Defence Team [REDACTED]; V44
LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED] V45 LRV Team
[REDACTED]; VWS Legal [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers
<[REDACTED]>
Subject: Witness Scheduling Issues
Importance: High

Dear Trial Chamber V,

Dear Counsel,

Further to my email over the weekend and following responses and conversations with Counsel, the situation concerning P-2926 is as follows. As you know, the Prosecution was notified on Friday evening that [REDACTED] authorities had withdrawn their cooperation to conduct the witness's AVL on 24, 25 March 2021. The authorities have apparently counter-proposed a date in late April.

Our understanding is that the VWS undertook efforts to obtain permission from [REDACTED] authorities to conduct the AVL through other means. We thus requested to be notified by this morning *at the latest* in order to determine the appropriate way forward, so as to afford the Parties, Participants, Witness, and the Chamber some measure of certainty regarding the prospective schedule.

As of this writing we do not have information that [REDACTED] authorities have confirmed any alternative means of timely conducting the prospective AVL testimony of P-2926. Accordingly, the Prosecution intends to proceed as follows:

- (1) P-2926 will be postponed to a date to be determined;
- (2) P-0287 will be called to testify as of 24 March (subject to the Registry and/or the Chamber's clearance of the applicable building access restrictions exceptionally). Failing that, he will testify beginning 25 March, as scheduled; and
- (3) P-1847 will follow the testimony of P-0287 beginning on 26 March (subject to the Registry and/or the Chamber's clearance of the applicable building access restrictions exceptionally). Failing that, he will testify beginning 29 March.

We are in contact with VWS to obtain clarity in respect of advancing the testimonies of both P-0287 and P-1847.

As previously discussed with the Parties and Participants, the Prosecution understands that there is no objection to this proposed course, which will ensure that the witnesses presently in The Hague can complete their testimony without any impediments.

If you have any questions or concerns, please let us know. Thank you.

Kind regards,

Kweku Vanderpuye