

ANNEX 8

PUBLIC

From: Trial Chamber V Communications
Sent: 15 November 2021 16:03
To: Vanderpuye, Kweku; [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 add one item to its list of material for P-2232
Attachments: Yekatom Defence Request for leave to add one item to its list of material for P-2232

Dear Counsel,

The Single Judge takes note of the Yekatom Defence's request to add one item (the document attached to its email) to its list of materials for the examination of P-2232 (*see* email attached), and the Prosecution's response thereto (*see* email below).

Noting the circumstances at hand, the explanation provided and the lack of objections by the other participants, the Single Judge grants the request for the addition of this item to its list of materials for P-2232's examination.

The Single Judge reminds the Yekatom Defence that, pursuant to the Initial Directions (ICC-01/14-01/18-631, para. 40), '[t]he participant intending to use any documents shall ensure that electronic, searchable copies of the documents have been uploaded into e-court *prior to their use*'. Accordingly, the Yekatom Defence is instructed to provide the ERN of the item and the updated list of materials for the examination of P-2232.

Kind regards, TC V

From: Vanderpuye, Kweku [REDACTED]
Sent: 14 November 2021 19:09
To: Suzuki, Gyo [REDACTED] Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED] D30 Ngaissona Defence Team [REDACTED] D29 Yekatom Defence Team [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Yekatom Defence Request for leave to add one item to its list of material for P-2232

Dear Trial Chamber V,

Dear Counsel,

The Prosecution does not object to the addition of the proposed item to the list of material for use with P-2232. That said, the Prosecution would invite the Parties to consider availing themselves of facts proposed for agreement in mid-2020. These include matters such as the fact and scope of Seleka Crimes (*see* ICC-01/14-01/18-811-Conf-AnxA-Corr, p.6, referencing C.16-C.18). Concretely, this may enhance the proceedings in respect of major and minor issues equally.

For instance, consulting the *actually* agreed facts would have obviated the following recent examination concerning [REDACTED] concerning p-2843 altogether: ICC-01/14-01/18-074-CONF-ET, p.33

33: 1 MR KNOOPS: [11:32:52] Thank you, Mr President.

2 Q. [11:32:54] Mr Witness, good morning again. Two final questions before I move

3 to a next topic.

[REDACTED]

Although the purpose of the distinction is not entirely clear, [REDACTED] was agreed, as filed in January 2021: [REDACTED].

The Prosecution considers that revisiting the proposed Agreed Facts (well over 100) may be beneficial to the proceedings, and continues to remain open to engaging constructively with the Parties.

Kind regards,

Kweku Vanderpuye

From: [REDACTED] >

Sent: 14 November 2021 15:14

To: Trial Chamber V Communications [REDACTED]

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

[REDACTED]; D30 Ngaissona Defence Team [REDACTED] D29

Yekatom Defence Team [REDACTED]; V44 LRV Team [REDACTED]; V44

LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal

Officer-Court Officer [REDACTED]

Subject: Yekatom Defence Request for leave to add one item to its list of material for P-2232

Dear Trial Chamber V,

The Yekatom Defence respectfully requests leave to add one item to its list of material to be used with P-2232, comprising screenshots of [REDACTED] regarding the Anti-Balaka in the period relevant to the charges (a courtesy copy is attached here).

It is respectfully submitted that granting the sought leave would be in the interests of justice. Specifically, the Defence intends to rely on the item to briefly address the witness's evidence regarding the alleged mentality, conduct and motivation of the Anti-Balaka generally (see, T-075, p. 65).

The Defence submits that there is good cause for late addition of the item. While the witness did address alleged Anti-Balaka attacks on civilians in his statements, he did so in specific contexts, as opposed to the general statements about all Anti-Balaka members which were elicited during his testimony. For instance, he discussed violence against civilians in the context of the [REDACTED] ('For the Anti-Balaka it was revenge for what happened to the Christians before. They wanted to clear the area from all Muslims'; CAR-OTP-2090-0561, para. 91) or in relation to checkpoints ('If a Muslim was arrested he would be killed', para. 76).

Nor will the sought addition unduly prejudice the Prosecution. The item comprises a single [REDACTED]. The Prosecution can address the broader issue during the remainder of its examination-in-chief and/or in re-examination, within the applicable procedural framework as determined by the Chamber.

Best regards,



Legal Assistant, Yekatom Defence

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Sent: 14 November 2021 15:14
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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
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Attachments: Screenshots [REDACTED] P-2232.pdf

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[REDACTED]
 Legal Assistant, Yekatom Defence

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[REDACTED]
 Legal Assistant, Yekatom Defence

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