

Annex 20

From: Trial Chamber V Communications
Sent: 01 July 2020 12:27
To: [REDACTED] Vanderpuye, Kweku; Trial Chamber V Communications; OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44LRVTeam-OPCV; [REDACTED] MDouzima-icc; Adangabomoussa, Abdou; Rabesandratana, Elisabeth; Fall, Yare; Asso, Mouhia; V45 LRV Team; V44 LRV Team
Subject: RE: Joining the "Motion for Finding of Disclosure Violation and for Deadline for Disclosure of Exculpatory Material" (ICC-01/14-01/18-566-Conf)
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel,

The Single Judge takes note of the Ngaissona Defence's response and position in relation to the Yekatom Defence's motion ICC-01/14-01/18-566-Conf.

Noting that the Ngaissona Defence in this instance *fully* joined the motion, and considering the need to ensure efficient proceedings, the Single Judge sees no issue with the format of this response.

The Single Judge reminds the parties and participants, however, that the Chamber will only accept email responses if no new arguments or requests are made (as is the case in this instance), and if all parties and participants privy to the initial motion are copied on the email.

Kind regards, TC V

From: [REDACTED]
Sent: 01 July 2020 12:07
To: Vanderpuye, Kweku; Trial Chamber V Communications; OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44LRVTeam-OPCV; [REDACTED] MDouzima-icc; Adangabomoussa, Abdou; Rabesandratana, Elisabeth; Fall, Yare; Asso, Mouhia; V45 LRV Team
Subject: Re: Joining the "Motion for Finding of Disclosure Violation and for Deadline for Disclosure of Exculpatory Material" (ICC-01/14-01/18-566-Conf)

Dear Trial Chamber V,
Dear all,

The Defence stands ready to notify its position through a filing today should the Chamber deem it more appropriate,

Kind regards,

From: Vanderpuye, Kweku
Sent: 01 July 2020 11:00
To: [REDACTED]; Trial Chamber V Communications; OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44LRVTeam-OPCV; [REDACTED] MDouzima-icc; Adangabomoussa, Abdou; Rabesandratana, Elisabeth; Fall, Yare; Asso, Mouhia; V45

LRV Team

Subject: RE: Joining the "Motion for Finding of Disclosure Violation and for Deadline for Disclosure of Exculpatory Material" (ICC-01/14-01/18-566-Conf)

Dear All,

Although the Prosecution invites the rigorous litigation of salient and important issues in this case as fundamental to their proper disposition, substantive requests for relief either made or joined in should normatively be filed in the record of the proceedings. The Ngaïssona Defence's practice of making such requests to the Chamber directly or indirectly *via* email without any justification or excuse is not conducive to this end.

Should the Ngaïssona Defence wish to engage the Prosecution's response or seek the Chamber's recognition of its position, Counsel should do so *formally*. Thank you.

Kind regards,

Kweku Vanderpuye



From: [Redacted]

Sent: 01 July 2020 10:23

To: Trial Chamber V Communications; OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44LRVTeam-OPCV; [Redacted]; MDouzima-icc; Adangabomoussa, Abdou; Rabesandratana, Elisabeth; Fall, Yare; Asso, Mouhia; V45 LRV Team
Subject: Joining the "Motion for Finding of Disclosure Violation and for Deadline for Disclosure of Exculpatory Material" (ICC-01/14-01/18-566-Conf)

Dear Trial Chamber V,

Dear all,

On behalf of Lead Counsel Mr Knoops, I wish to inform you that the Defence for Mr Patrice-Edouard Ngaïssona fully joins the Defence for Mr Yekatom's "Motion for Finding of Disclosure Violation and for Deadline for Disclosure of Exculpatory Material" (ICC-01/14-01/18-566-Conf) filed on 24 June 2020.

The Defence concurs with the arguments presented therein demonstrating that the Prosecution has violated its disclosure obligations contrary to Article 67(2) of the Statute. We fully concur with the relief sought respectfully requesting the Chamber to (1) find that the Prosecution violated its obligations to disclose exculpatory evidence by failing to disclose the statement of Witness P-1716 as soon as practicable and (2) set a deadline for the disclosure of all remaining exculpatory material and to make it clear to the Prosecution and its individual counsel that sanctions may be imposed for any further violations.

Respectfully Yours,

[Redacted]

Case Manager, Defence team for Mr Patrice-Edouard Ngaïssona

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