

# Annex 10

**From:** Trial Chamber V Communications  
**Sent:** 04 November 2020 17:23  
**To:** [REDACTED] OTP CAR IIB Operations; [REDACTED]  
**Cc:** Trial Chamber V Communications; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44LRVTeam-OPCV; V45 LRV Team; [REDACTED]; [REDACTED]; VWS Legal  
**Subject:** RE: Request for clarification of the Chamber's 11 September 2020 Decision-ICC-01/14-01/18-648-Conf-Exp

Dear Counsel,

The Single Judge recalls that the Chamber granted the Prosecution's request seeking an extension of the initial disclosure deadline, pursuant to Regulation 35 of the Regulations of the Court, for the material related to P-2582, P-2620 and P-2671, authorising it to disclose the identities and complete statements of these witnesses once the protective measures for P-2582 and P-2620 are in place, and at the latest by **9 November 2020**.

Therefore, should the Prosecution not be in a position to disclose the pertinent material by 9 November 2020, a formal request under 81(4) of the Rules is required. However, in light of the information already available on the case record, the Single Judge considers that in this instance this may exceptionally be done per email, with the parties, participants and VWS in copy.

In light of the approaching deadline of 9 November 2020, the Prosecution is instructed to submit a request without delay. Any responses thereto are to be submitted within 48 hours of receipt of the email request.

Kind regards, TC V

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**From:** [REDACTED]  
**Sent:** 03 November 2020 20:34  
**To:** Trial Chamber V Communications  
**Cc:** OTP CAR IIB Operations; [REDACTED]  
**Subject:** Request for clarification of the Chamber's 11 September 2020 Decision-ICC-01/14-01/18-648-Conf-Exp

Dear Trial Chamber V,

In order to facilitate its ongoing disclosure obligations, the Prosecution seeks clarification in respect of the Chamber's 11 September 2020 *Decision on the Prosecution Request to Vary the Time Limit for Disclosure of Evidence related to Witnesses on the Preliminary Witness List*' (ICC-01/14-01/18-648-Conf-Exp), requiring disclosure of the identities and statements of P-2582, P-2620, and P-2671 once protective measures for P-2582 and P-2620 were in place, and at the latest, by 9 November 2020.

Following the Decision, the VWS' Second Report regarding the progress on the implementation of protective measures for P-2582 and P-2620 (ICC-01/14-01/18-693-Conf-Exp), indicates that it will not be able [REDACTED] by 9 November 2020, such that the Prosecution can meet the Chamber's order. VWS rather indicates that it expects to be able [REDACTED], if it is able to: (i) [REDACTED]; and (ii) [REDACTED].

In light of the above, the Prosecution seeks clarification on whether the Chamber would require a formal application under Rule 81(4) of the Rules to disclose the identities and statements of P-2582, P-2620, and P-2671 *after* the 9 November 2020 deadline, and upon the VWS' full implementation of the necessary protective measures for P-2582 and P-2620. The Prosecution considers that in the circumstances, the witnesses' particularly high risk profiles [REDACTED] would in any case justify a delay in the required disclosure.

The Prosecution remains at the Chamber's disposal for any additional information in relation to this request.

Kind regards,

On behalf of  
Kweku Vanderpuye