

ANNEX 3
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 02 November 2023 16:33
To: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; OTP CAR IIB; V45 LRV Team; V44 LRV Team; V44 LRV Team OPCV; Office of the Director DJSS; OTR Counsel Support Section
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Yekatom Defence Urgent Request for an Order to the Registry to Assist with the Remote Interview of Three Potential Witnesses

[ICC] RESTRICTED

Dear Counsel,
 dear colleagues from the Registry,

The Single Judge takes note of the request below.

The Single Judge notes the explanations provided by the Yekatom Defence, in particular, that the Registry should provide the latter with facilities for the preparation of the defence, and that such facilities should include the organisation of video calls when traveling can be avoided.

However, it is not clear why the Yekatom Defence is unable to organise a video-link connection with the potential witnesses through its own means and/or exactly what kind of specific assistance it requests from the Registry for purposes of speaking to these potential witnesses.

Accordingly, the Single Judge rejects the request, without prejudice. The Single Judge encourages the Yekatom Defence and the Registry to continue liaising constructively on the possible modalities of assistance in respect of contacting these potential witnesses, and seize the Chamber only, including jointly, as appropriate, should its intervention be necessary.

Kind regards,

TC V

From: Dimitri, Mylene [REDACTED]
Sent: 02 November 2023 12:59
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB [REDACTED]; V45 LRV Team [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; Office of the Director DJSS [REDACTED]; OTR Counsel Support Section [REDACTED]
Subject: Urgent Request for an order to the Registry to assist the Defence with the remote interview of three potential witnesses

Dear Trial Chamber V,

The Defence has three potential witnesses it would like to interview who are located in Chad. The Defence would like to avoid deploying time and resource to travel to Chad for the interview of these witnesses. The Defence therefore sent a request to CSS in order to receive assistance in terms of organising a video link. This would be cost efficient and avoid time and resource spent on organising a trip to Chad at this crucial stage.

CSS, who kindly assisted the Defence in reaching out to the relevant sections for the organisation of the video link, just responded that according to VWS “when a witness is not registered yet under VWS, there is unfortunately no possibility for them to assist at this stage.” The Defence can unfortunately not register the witnesses under VWS because it has not met the witnesses yet. Their contact information and relevance was provided through leads. However, the Defence believes that the Registry should, whether through VWS, CSS, Legal Office or any section falling under its umbrella, provide the Defence with facilities for the preparation of the defence (Art. 67 b) of the Statute) and such facilities should include the organisation of video calls when traveling can be avoided.

The Defence would be grateful if the Chamber could intervene as a matter of urgency in that regard in order to invite the Registry to assist with the remote interview of the three potential witnesses.

Kind regards,
Mylène Dimitri

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