

**ANNEX 1**  
**PUBLIC**

[REDACTED]

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**From:** Trial Chamber V Communications  
**Sent:** 16 March 2021 18:38  
**To:** [REDACTED] Trial Chamber V Communications  
**Cc:** D29 Yekatom Defence Team; D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Office of the Director DJSS; Dimitri, Mylene; Chamber Decisions Communication; Associate Legal Officer-Court Officer  
**Subject:** Decision on the Yekatom Defence's Request to modify the quarantine requirements for Mr. Jason Antley due to P-2193's change of schedule

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Yekatom and Ngaissona

Dear Counsel,

The Chamber takes note of the Defence's request (the 'Request') and the Registry's observations below.

The Request is granted for the following reasons. First, the Chamber notes that the Registry recommends granting Mr Antley access to the courtroom (with additional protective measures). Second, the Chamber observes that the Host State regulations allow the shortening of the 10-day quarantine period, in case of a negative Covid-test as of day 5, which Mr Antley is scheduled to take tomorrow, 17 March 2021. Third, the Chamber acknowledges the exceptional nature of P-2193's evidence and the Defence's submission that Mr Antley would be best placed to question this witness.

In light of the above, the Chamber considers that exceptional circumstances exist to authorise Mr Antley to attend Friday's hearing in person, subject to his negative Covid-test.

Lastly, the Chamber appreciates the Registry's recommendations and instructs it to implement the additional protective measures proposed. Mr Antley is instructed to comply with these additional measures.

Kind regards, TC V

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**From:** [REDACTED]  
**Sent:** 16 March 2021 15:26  
**To:** Trial Chamber V Communications [REDACTED]  
**Cc:** D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED] Office of the Director DJSS [REDACTED] Dimitri, Mylene [REDACTED]  
**Subject:** RE: Request to modify the quarantine requirements for Mr. Jason Antley due to P-2193's change of schedule

Dear Trial Chamber V,

In the context of Counsel's request below and in line with the Registry guidelines and procedures for the support of court proceedings during the COVID-19 pandemic, the Registry would like to kindly bring to the Chamber's attention the following recommendations.

Following a discussion of the Registry with the Defence some weeks ago in anticipation of this situation and taking into consideration the specific circumstances of the case, the Registry respectfully recommends to grant Mr Antley access to the courtroom with some additional protective measures. More specifically, the Registry recommends that plexiglass be installed around Mr Antley's desk from all sides for additional protection. Counsel should further strictly maintain physical distance of at least 1.5 meters from others in the courtroom, in the ICC premises and in particular, also from Mr Yekatom. Wearing a mask must be mandatory at least until the 10 days quarantine period has passed. Counsel should further refrain from any close contact with Mr Yekatom or defence team members during consultations. The Registry further recommends that visits to the ICC Detention Centre be forbidden until the 10 days quarantine period has passed.

The Registry remains available should the Chamber have any further questions on the above matter.

Kind regards,

[REDACTED]  
(on behalf of OD DJS)

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**From:** Dimitri, Mylene [REDACTED]  
**Sent:** 16 March 2021 14:36  
**To:** Trial Chamber V Communications [REDACTED] Office of the Director DJSS  
 [REDACTED]  
**Cc:** D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team  
 [REDACTED] OTP CAR IIB Case Management [REDACTED]  
 [REDACTED] OTP CAR IIB Managers [REDACTED]; V44 LRV Team [REDACTED] V44  
 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED]  
**Subject:** Request to modify the quarantine requirements for Mr. Jason Antley due to P-2193's change of schedule

Dear Trial Chamber V,  
 Dear Registry,

The Defence requests the Trial Chamber to reduce the Court ten day quarantine requirement for the defence team member responsible for the cross examination of P-2193. Due to circumstances outside of the Defence's control, the ten days quarantine is no longer compatible with the Prosecution's witness schedule.

P-2193 has been scheduled for 22 March 2021 for some time. Given the highly technical nature of his evidence, the Defence determined that the best placed defence team member to carry out the cross would be the electronic evidence specialist, Mr. Jason Antley. The electronic evidence specialist is not based in The Hague. A flight was arranged to have him arrive in The Hague on 13 March, which would allow him to quarantine and be medically cleared on the 10<sup>th</sup> day following his arrival *i.e.* 22 March 2021, in order to conduct the cross-examination of P-2193. At every instance, the Defence intended to meet the quarantine requirement.

Due to the number and the nature of P-2193's evidence (audio video material and high resolution images), it's essential for the Court and the parties to be able to see it first hand and not via video link. With the change of P-2193's expected date of testimony, the Defence must now request a shortening of the quarantine. The Defence can offer the following mitigating factors against any risk associated with reducing quarantine.

Due to the nature of his other work, Mr. Antley tests almost weekly. His most recent negative tests were on 2 March and 10 March.

Prior to his arrival early morning of the 13<sup>th</sup> March 2021, Mr. Antley was in Kosovo, which is currently not under any extraordinary restrictions.

In order to enter the Netherlands on 13 March, Mr. Antley took a PCR test within twelve hours of his departure from Kosovo and tested negative again.

Upon his arrival in The Netherlands, Mr. Antley did not travel from the airport by public transport.

By the time P-2193 is expected to testify, Mr. Antley will be on the seventh day of his quarantine. Mr. Antley has arranged to get tested for coronavirus tomorrow morning as it corresponds to the fifth day after his arrival in the Netherlands. If the test is negative, he can end his self-quarantine per The Netherlands requirements.

While in the premises, Mr. Antley will remain masked at all times and restrict movements as much as possible.

Taken as a whole, the Defence puts forward that the mitigating factors and sudden change in the witness schedule provide sufficient ground to modify the quarantine requirements in this case and allow Mr. Antley to enter the Court's premises on Friday 19<sup>th</sup> March 2021.

We understand that this is not to set a precedent for future instances, and we regret that we are forced to seek this modification.

Kind regards,

Mylène Dimitri

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