

ANNEX 22
PUBLIC

From: Trial Chamber V Communications
Sent: 30 April 2021 16:22
To: [REDACTED]; Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; [REDACTED] Office of the Director DJSS; D29 Yekatom Defence Team
Subject: RE: Yekatom Defence Request for three in-person visits prior to 24 May 2021
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel,

The Single Judge takes note of the below email request by the Yekatom Defence (the 'Defence'), seeking authorisation to conduct three in-person legal visits to Mr Yekatom at the Detention Centre prior to the commencement of the third evidentiary block (the 'Request').

Noting the specific circumstances set out in the Request, notably the Defence's intent to prepare the testimony of witnesses whose examination will be of substantial length and 'document-intensive', including a significant amount of audio-visual material, which cannot adequately be performed remotely, the Single Judge is satisfied that an exception to the Temporary Measures is warranted.

The Single Judge therefore authorises the Defence to conduct three in-person legal visits with its client at the Detention Centre prior to the commencement of the third evidentiary block, on such dates to be determined in consultation with the Registry.

As acknowledged by the Defence, any such visits are subject to the Registry's conditions as set out in the 'Registry Observations on the "Request for authorization of in-person legal visits with Mr. Yekatom" (ICC-01/14-01/18-816-Conf)', 18 January 2021, ICC-01/14-01/18-832 (the 'Registry Conditions'), taking into account all required health measures.

Noting that the Registry Conditions clearly provide that '[a]n established list of maximum four Defence team members will be allowed for exceptional privileged visits, and only these four members will be allowed to rotate visits' (Registry Conditions, para. 10), the Single Judge finds that the Defence's request for five different Defence team members to be allowed to visit Mr Yekatom should be discussed with the Registry.

Kind regards, TC V

From: [REDACTED]
Sent: 26 April 2021 16:42
To: Trial Chamber V Communications [REDACTED] >
Cc: D30 Ngaissona Defence Team [REDACTED] OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Manager [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]; Office of the Director DJSS [REDACTED]; D29 Yekatom Defence Team [REDACTED] >
Subject: Yekatom Defence Request for three in-person visits prior to 24 May 2021

Dear Trial Chamber V,

Further to Trial Chamber V's email of 22 February 2021, the Defence for Mr Yekatom hereby respectfully requests authorisation to conduct three in-person visits at the Detention Centre prior to 24 May 2021, including at least one during the week of 3 May 2021.

The Defence submits that circumstances related to its preparation for the third evidentiary block, scheduled for 24 May-18 June 2021, warrant an exception to the Temporary Measures at the Detention Centre currently in force until at least 19 May 2021.

First, a relevant factor in this regard is that P-2328 and P-0952 – two witnesses whose testimonies are anticipated to be substantial – have recently been rescheduled and moved up the list, and are now expected to testify in Block Three.

Further, the Defence envisages that cross-examinations of a number of the Block Three witnesses will be of substantial length and will be document-intensive. For instance, at this stage the Defence intends to rely on 50 documents, including audio-visual material, for each of Witnesses P-0801, P-2328, and P-0952. As regards P-0801 specifically: while it notes that this witness was initially scheduled for the second evidentiary block, the Defence submits that a review of the planned cross-examination and relevant documents – including 20 audio-visual material documents – closer to his scheduled testimony, would facilitate effective preparation, especially given that the Defence has over 300 questions for this witness at this stage. Further, the Defence intends to use photographs and audio-video material during its cross-examination of P-2673. To this end, the Defence would like to review a large quantity of metadata with Mr. Yekatom, which would be more effectively conducted in person rather than remotely.

As stated in previous requests, preparation involving photographs and audio-visual material cannot be adequately performed remotely. The Defence also highlights that only five working days separate the second and third evidentiary blocks; and that the latter is a four-week block. The Defence therefore respectfully suggests that one of the three requested visits, if granted, be scheduled during the week of 3 May 2021, in light of the cancellation of hearings previously scheduled for that week.


Lastly, the Defence requests that it be allowed, on an exceptional basis, five different Defence team members to participate in the sought visits, which need arises from the fact that Defence cross-examinations of Block 3 witnesses will be conducted between three team members. One sought visit will require the attendance of a linguistic assistant, who will provide English-Sango translation between Mr Yekatom and Mr Hannis; another such visit will require the assistance of a junior team member acting as note-taker (as two separate laptops will be necessary for note-taking and for reviewing of A-V material); and the third visit would be conducted by the third cross-examining team member.

The Defence submits that the requested visits as proposed will ensure the respect of Mr Yekatom's right to adequate time and facilities for the preparation of his defence.

The Defence therefore respectfully requests authorisation for three in-person visits prior to 24 May 2021, including at least one visit during the week of 3 May 2021, to be conducted by five Defence team members.

Should the Chamber be minded to grant this request, the Defence undertakes to fully comply with the Registry's conditions as set out in previous submissions (ICC-01/14-01/18-832-Conf, paras 10-12) and to take into account all required health measures.

Best regards,


Legal Assistant, Yekatom Defence

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.