

ANNEX 48

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 19 October 2022 16:15
To: [REDACTED]
Cc: D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Ngaissona Defence Request for Remote Attendance of Counsel Omissé-Namkeamaï

Dear Counsel,

The Single Judge takes note of the Ngaissona Defence's request that Counsel Omissé-Namkeamaï 'be allowed and authorised to attend the examination of P-0954 in the upcoming block [...], remotely [REDACTED]' (the 'Request').

The Single Judge recalls that, on 14 April 2022, the Chamber revoked the general authorisation to attend hearings remotely (the 'Decision') (see email from the Chamber, 14 April 2022, at 10:14), which had been given in March 2020 in light of the Coronavirus Pandemic and the related restrictions in place worldwide (see email from the Chamber, 12 March 2020, at 14:50). It further clarified that the Decision would be effective as of 25 April 2022 and that requests for exceptional remote attendance would henceforth be decided on a case-by-case basis.

The Single Judge takes into account the fact that since P-0954's first appearance before the Chamber in [REDACTED], his testimony has been postponed multiple times, including recently in [REDACTED] (see email from the Chamber, 16 October 2022, at 14:06). The Single Judge also notes that the Request is exceptional, in that it is limited to the testimony of P-0954.

In light of the above, the Single Judge exceptionally grants the Request.

Kind regards,

TC V

From: [REDACTED]
Sent: 14 October 2022 19:27
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED] D29 Yekatom Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]; OTP CAR IIB [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: Request to Allow Remote Attendance for Associate Counsel

Dear Trial Chamber V,

The Defence for Mr Ngaissona respectfully requests that Counsel Omissé-Namkeamaï be allowed and authorised to attend the examination of P-0954 in the upcoming block (Block 16) starting on Monday 17 October 2022, remotely [REDACTED] as it was done for previous witnesses.

The use of Live Court is currently restricted and available only on certain computers on the Court's premises. The only way Counsel Omissé-Namkeamaï can efficiently follow the entirety of P-0954's testimony as well as be present in the Central African Republic ('CAR') to perform ongoing investigations is remotely *via* video link [REDACTED]. Given the P-0954's 'insider' status, it is likely that non-trivial amounts of the examination will be

private. An example of a relevant issue that will be in private concerns details of [REDACTED] (OTP Summary of Witness P-0954's Anticipated Testimony, at para. 6).

The witness' Rule 68(3) testimony is expected to touch upon issues relevant to aspects of the charges against Mr Ngaïssona concerning certain alleged contributions made to the Anti-Balaka cause. Counsel Omissé-Namkeamaï investigated and collected documents for the case, including for the examination of P-0954. It is thus important for him to attend the examination of the witness.

Moreover, Counsel Omissé-Namkeamaï's insight and expertise on the CAR necessitates his remote presence for the upcoming witness' testimony *and* his simultaneous presence in the CAR to conduct inquiries and investigations. Notwithstanding the presence of Professor Knoops and Ms Proulx, the remote presence of Counsel Omissé-Namkeamaï is important: as the only Central African counsel he is best-placed to assess certain information provided by insider witnesses such as P-0954. Permitting Counsel Omissé-Namkeamaï's exceptional remote attendance will ensure the most effective representation of Mr Ngaïssona in the court room and contribute to a fair trial and the Chamber's truth seeking mission.

The Chamber's decision ending the general authorization (email of 14 April 2022 at 10:14) is not recent. The number of witnesses of most importance to the charges against Mr Ngaïssona are now limited in number and are dispersed throughout the coming schedule. Therefore, it is not the best use of time and resources to relocate Counsel Omissé-Namkeamaï for 3-4 days of hearings. Moreover, P-0954's testimony has been rescheduled multiple times and further delays and complications remain a possibility. In addition, travel from the CAR to the Hague is arduous both in terms of time, energy, and administration despite the lifting of COVID restrictions.

In light of these exceptional circumstances, the Defence requests that such limited authorisation be granted for Counsel Omissé-Namkeamaï to attend the examination of P-0954. The Defence for Mr Ngaïssona apologizes for the short notice and appreciates the consideration the Chamber is willing to give to this request.

Kind regards,

[REDACTED]
Legal Intern on behalf of the Defence Team of Mr. Ngaïssona

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