

ANNEX 31

Public Redacted

Version

[REDACTED]

From: Trial Chamber V Communications [REDACTED]
Sent: 26 September 2022 11:06
To: Dimitri, Mylene
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; Vanderpuye, Kweku; Office of the Director DJSS; [REDACTED]
 [REDACTED] Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Order on proposed agreement regarding Mr Yekatom's contact restrictions

Dear counsel,

The Single Judge is of the view that the below request should be filed on the record.

The Registry is instructed to provide its observations within one week of notification of the Defence's request.

Kind regards, TC V

From: Dimitri, Mylene [REDACTED]
Sent: 23 September 2022 18:36
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]
 [REDACTED] D29 Yekatom Defence Team [REDACTED]
 Vanderpuye, Kweku [REDACTED]
Subject: Proposed agreement regarding Mr. Yekatom's contact restrictions

Dear Trial Chamber V,

Dear all,

The Yekatom Defence (the "Defence") would like to present a proposed agreement between the Defence and the Prosecution concerning the current communication restrictions of Mr. Yekatom with [REDACTED] (the "agreement").

Under the current restrictions, as confirmed by the "Decision on Mr Yekatom's Request to Add an Individual to his Non-Privileged Contact List" (ICC-01/14-01/18-1460-Conf-Exp, para. 6), [REDACTED] is not allowed to be added to the non-privileged contact list of Mr. Yekatom. This decision was made "without prejudice to a renewed request should circumstances change in the future".

Following *inter partes* discussions with the Prosecution on this matter, both parties have come to a compromise to take into account under one hand, the preservation of family ties and, on the other hand, the Prosecution's concerns towards victims and witnesses. The Defence therefore seeks the permission of the Chamber to modify the current restrictions concerning this issue with [REDACTED] and understands that the Prosecution does not oppose this agreement.

To preserve the family ties between Mr. Yekatom and [REDACTED], the Defence proposes that [REDACTED] could speak to [REDACTED] once a month for 30 minutes or twice a month for 15 minutes. To ensure that the Registry would be in a position to actively monitor all of their calls with a Sango interpreter, the

Registry would be informed ahead of time of when the call would take place. This would enable the Registry to actively monitor the entire conversation, immediately end a call and report to the Chamber in case of a violation.

The Prosecution indicated their consent to the agreement subject to the following conditions :

(1) if ever the Registry reports a contacts restriction violation at any point and regarding anyone or any circumstance, the Prosecution will withdraw their consent to the agreement;

and

(2) that, in such circumstances, the Prosecution reserve the right to request appropriate modifications to the terms and condition of Mr. Yekatom's detention (including the suspension of contact with [REDACTED]).

Finally, this agreement is provisional, as the Defence and the Prosecution agreed to revisit the issue after year end and or once most of the Prosecution witnesses will have testified.

Should the Chamber prefer that this request be filed by way of a formal motion on the record, the Defence stands ready to do so.

Kind regards,

Mylène Dimitri

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