

ANNEX 25

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 28 June 2023 16:03
To: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; OTP CAR IIB; V45 LRV Team; V44 LRV Team OPCV; Office of the Director DJSS; Trial Chamber V Communications; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Decision on the Yekatom Defence request for remote attendance of [REDACTED]

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Yekatom Defence's request for the remote attendance of its Electronic Evidence Specialist, [REDACTED] during the testimony of P-2973 (*see below* email from the Yekatom Defence, 27 June 2023, at 17:28).

The Single Judge notes at the outset that the Yekatom Defence does not provide any explanation as to why [REDACTED] would not be able to attend the hearings at the seat of the Court. In this regard, the Single Judge expects that such requests be fully justified in the future.

However, considering the technical nature of P-2973's anticipated testimony and [REDACTED] role within the Yekatom Defence team, as well as the limited scope and nature of the request, the Single Judge considers that exceptional circumstances exist for the remote attendance of [REDACTED] for the entirety of P-2973's examination, from 3 July 2023 to 5 July 2023.

In light of the above, and in particular noting the absence of objections, the Single Judge grants the Yekatom Defence's request.

Kind regards,

TC V

From: Dimitri, Mylene [REDACTED]
Sent: 27 June 2023 17:28
To: Trial Chamber V Communications [REDACTED]
Cc: [REDACTED]; D29 Yekatom Defence Team [REDACTED]
 [REDACTED] D30 Ngaissona Defence Team [REDACTED]
 V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]
 [REDACTED]; Office of the Director DJSS [REDACTED]
Subject: Yekatom request for remote attendance of [REDACTED]

Dear Trial Chamber V,

The Defence for Mr. Yekatom respectfully requests that Electronic Evidence Specialist, [REDACTED] be allowed and authorised to attend the examination of P-2973 starting on Tuesday 3 July 2023, remotely from the his home office in [REDACTED].

[REDACTED] has been appointed to assist the Yekatom Defence prior to the start of the trial. His tasks are exclusively related to telecommunication, electronic and imagery evidence. He has also been preparing visual aid material to assist during the Defence examination of witnesses. [REDACTED] actively participated in the preparation of P-2973 and P-2687. He will be conducting the examination of the latter which is planned for August 2023. However, [REDACTED] cannot travel to the seat of the court next week for the examination of P-2973. Although he wont be conducting his examination, his active assistance is required due to the technicality of the anticipated evidence.

The use of Live Court is currently restricted and available only on certain computers on the Court's premises. The only way [REDACTED] can efficiently follow the entirety of P-2973's testimony is remotely *via* video link from his home office in Ireland. Given the anticipated evidence, it is likely that most of the examination will be conducted in public session. In addition, P-2973's is testifying publicly without protective measures.

Moreover, [REDACTED]'s insight and expertise on telecom evidence necessitates his remote presence for the upcoming witness' testimony. Permitting [REDACTED] exceptional remote attendance will ensure the most effective representation of Mr Yekatom

The Yekatom Defence is cognisant of the Chamber's decision ending the general authorization (email of 14 April 2022 at 10:14) for remote attendance. However, this request is exceptional and justified due to the technical nature of the evidence and the expertise required to address it efficiently. The Yekatom Defence contacted the Prosecution to discuss this request *inter partes*. The Prosecution informed the Defence that it has no objection to the request.

In light of these exceptional circumstances, the Defence requests that such limited authorisation be granted for [REDACTED] to attend the examination of P-2973.

Kind regards,
Mylène Dimitri

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