

ANNEX 8

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 10 May 2024 18:07
To: Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; OTP CAR IIB; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Decision on the Yekatom Defence request for remote attendance of Mr Régis Tiangaye during Block 33 for witness D29-5013

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Yekatom Defence's request for Mr Régis Tiangaye to be authorised to 'attend remotely the hearing of Defence witness D29-5013 scheduled to testify from 13 May 2024' onwards (*see below* email from the Yekatom Defence, 10 May 2024, at 16:02).

The Single Judge recalls that authorisation for remote attendance is granted only on an exceptional basis (*see* email from the Chamber, 14 April 2022 at 10:14). Given the explanations provided, the Single Judge considers that such circumstances exist in this instance. He therefore authorises Mr Tiangaye to attend the hearings scheduled between 13 and 16 May 2024 remotely [REDACTED].

The Single Judge instructs the Registry to ensure that the necessary arrangements are made, in line with the conditions set out in the Single Judge's decision of 12 March 2021 (*see* email from the Chamber, 12 March 2021, at 14:50).

Kind regards, TC V

From: [REDACTED]
Sent: Friday, May 10, 2024 4:02 PM
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] OTP CAR IIB [REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: Yekatom Defence request for remote attendance of Mr Régis Tiangaye during Block 33 for witness D29-5013

[ICC] RESTRICTED

Dear Trial Chamber V,

The Defence respectfully requests that Mr Régis Tiangaye be allowed to attend remotely the hearing of Defence witness D29-5013 scheduled to testify from 13 May 2024.

The Defence recalls the Chamber's email instructions dated 14 April 2022 which indicated that "[s]hould exceptional circumstances require counsel to attend remotely, the Chamber will rule on requests on a case-by-case basis"; it is submitted that the current circumstances warrant such an exception.

Mr Tiangaye has invaluable knowledge of the case, having been present since the beginning, and is familiar with P-5013's testimony. In light of this, it is critical that Mr Tiangaye be able to follow the examination and cross-examination of P-5013, so as to be in a position to effectively assist the examining Counsel with any urgent action that may arise.

The Defence apologizes for this late request, but due to recent developments regarding the situation of the witness leading the Defence to urgently request in-court protective measures (ICC-01/14-01/18-2485-Conf) which the Chamber has just partly granted (ICC-01/14-01/18-2489-Conf), the Defence could not anticipate requesting Mr Tiangaye's remote attendance. In light of the fact that P-5013 will now testify with in-court protective measures, Mr Tiangaye will not be able to provide comprehensive advice and suggestions should he be following the public broadcasting of the hearing with face distortion and eventual private sessions as was previously planned.

Mr Tiangaye was previously in the Netherlands, but due to important investigative activities in the case, he has since returned to the Central African Republic where his presence was necessary.

The Defence stresses that, should the request be granted, Mr Tiangaye would of course not engage in any conversation with the AVL testifying witnesses [REDACTED]; and that members of VWU would be present to guarantee that no such interactions occur.

Kind regards,

[REDACTED]
Yekatom Defence

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