

ANNEX 14

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 21 January 2025 12:24
To: D29 Yekatom Defence Team
Cc: Office of the Director DJSS; Office of the Registrar; Trial Chamber V Communications; Chamber Decisions Communication
Subject: Decision on the Urgent Yekatom Defence Request for Expedited Calendar and Chamber's Intervention regarding Legal Aid

Dear Counsel,

The Single Judge takes note of the Defence's request below.

The Single Judge notes that pursuant to Regulation 83 of the Regulations of the Court, the administration of legal aid is the primary responsibility of the Registrar. Chambers only have a limited role in this process, notably in that they can review such decisions as per Regulation 83(4) of the Regulations of the Court.

Considering that the Registrar has not yet issued a decision on the described dispute regarding fees, the Single Judge does not consider it appropriate for the Chamber to intervene as requested. Accordingly, the request is rejected.

Kind regards, TC V

From: Dimitri, Mylene [REDACTED]
Sent: Monday, January 20, 2025 5:21 PM
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] Office of the Director DJSS [REDACTED] Office of the Registrar [REDACTED]
Subject: Urgent Request for Expedited Calendar and Chamber's Intervention

Dear Trial Chamber V,

The Defense for Mr. Yekatom respectfully requests the Trial Chamber to establish a strict procedural calendar for the Registrar to issue a decision on the Defense's Request for Review of the CSS decision dated 14 January 2025, which was submitted on 16 January 2025, by 22 January 2025 at the latest. The request pertains to whether the Defence may retain team members on 75% contracts during the reduced activity period, as opposed to either employing fewer members on 100% contracts or more members on 50% contracts, provided that the arrangement remains within the budget allocated under the new Legal Aid Policy (LAP).

The urgent intervention by the Chamber is critical as the team composition is at stake and there is a significant risk that any further delay in a decision from the Registrar will have irreversible effects on payments to the team following [REDACTED] and further, would implicate the immigration status of several non-EU members of the team.

The Regulations of the Court and the Registry do not specify a timeframe within which the Registrar must respond to a request for review of a CSS decision or of a Defence Request for review filed before the Chamber. However, when read together, Regulation 83 of the Regulations of the Court and Regulation 135 of the Regulations of the Registry stipulate that counsel may request the Chamber to review any decision by the Registrar within 15 calendar days of notification. The lack of clear guidelines regarding the Registrar's response time underscores the urgency of establishing a procedural calendar in this case.

Impact of Delay on Mr. Yekatom's Rights

The passage of time has a direct and detrimental impact on Mr. Yekatom's rights under Article 67, particularly concerning the composition of his defense team. Delays hinder the preparation and execution of his defense during the reduced activity period, which involves several critical tasks, including and not limited to:

- Reviewing redactions to ensure the trial remains as public as possible;
- Conducting regular meetings with Mr. Yekatom to address and explain his numerous questions regarding briefs filed simultaneously in a language he does not understand;
- Providing clarifications on the various closing arguments presented in court;
- Review of numerous corrected transcripts that were distributed in the midst of the final briefs and closing arguments.

Counsel has prepared a detailed work plan for this reduced activity phase, factoring in the constraints of a reduced team size to efficiently manage these essential tasks.

Despite these preparations, CSS is insisting that Counsel disregard her proposed team composition, which is currently pending review before the Registrar, and instead implement an interim team composition. This would either necessitate a "check-out" procedure for some team members or [REDACTED] who have already checked out—despite their exclusion from Counsel's reduced activity team composition. Such measures disrupt the Defense's workflow and undermine the critical preparatory work required during this phase.

In prior instances, the Registry has taken up to a month to respond to requests for review filed before Trial Chambers. However, given the significant impediments at stake in this instance, the Defense cannot afford to wait that long for the matter to be resolved. Last week, the Defense sought interim measures to mitigate further delays, including a written request to meet with the Registrar for a maximum of 10 minutes. Alternatively, on Friday afternoon, the Defense made a phone call request to meet with the Registrar's Legal Officer. Both requests were denied.

To further expedite the process and avoid the need for the Chamber's urgent intervention, the Defense subsequently sent a list of specific questions to the Registrar. These questions were intended to facilitate procedural progress and provide clarity. However, the Registrar failed to respond. Consequently, the Defense has no choice but to seek the Chamber's intervention to establish a procedural calendar, ensuring the Registrar urgently issues a decision on the Defense's request for review.

Issues Requiring Expedited Resolution

1. Immigration Status of Team Members

Certain team members, expected to participate in the appeal phase regardless of whether the appeal is initiated by the Prosecution or the Defense, face immigration-related uncertainties. Although the Defense has complied with legal aid requirements by reducing its personnel by 50%, CSS insists on implementing a team composition that would trigger a "check-out" procedure for team members, despite pending litigation making this both unnecessary and premature.

2. Registrar's Salary Adjustments

[REDACTED]

[REDACTED]. However, the unresolved composition of the Defense team creates administrative complications, as some members may receive excessive payments while others receive none. Resolving the team's composition is critical to avoid these disparities and ensure fairness.

The Defense respectfully requests that the Trial Chamber order the Registrar to issue a decision on the Defense's request for review no later than **22 January 2025**.

This proposed deadline for the Registrar's decision is set without prejudice to the Defense's right to request further shortened deadlines should the decision be unfavorable.

The Defence respectfully submits that this expedited calendar is not prejudicial to the Registrar – given that the matter has been pending before the Registry as a whole as of 2 January 2025 – and more pertinently, will safeguard Mr. Yekatom's rights under Article 67, facilitate the resolution of pending administrative issues, and ensure fairness and efficiency in these proceedings.

Respectfully submitted,
Mylène Dimitri

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