

[REDACTED]

From: Trial Chamber V Communications
Sent: 27 January 2021 12:10
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Request to allow Cross-examination by Legal Consultants and Electronic Evidence Specialist

Dear counsel,

The Single Judge takes note of the Yekatom Defence's request below. In light of the matters raised therein, and noting the Prosecution's response, the Single Judge instructs that a detailed request be filed formally on the record.

Responses to the filing, if any, should be filed within 7 days of notification.

Kind regards, TC V

From: Vanderpuye, Kweku [REDACTED]
Sent: 26 January 2021 14:49

[REDACTED]

Subject: RE: Request to allow Cross-examination by Legal Consultants and Electronic Evidence Specialist
Importance: High

Dear Trial Chamber V,

Dear All,

The request below should be made by way of a formal filing. *First*, the disposition of the Request has direct implications to the Accused's article 67(1) rights. The question of representation is not merely procedural, but also substantive. *Second*, the Chamber's authority to permit the direct participation of counsel to represent an Accused during trial who do not meet the requisite criteria under rule 22 of the Rules of Procedure and Evidence and regulation 67 of the Regulations of the Court is not clear. In the Prosecution's view, the presence of assigned Counsel during the course of cross-examination is not dispositive. *Third*, to the extent that such authority may exist — and this is not clear — there is a further question with respect to an Accused's waiver of his right to qualified representation during all material aspects of his trial, which should be on the basis of independent advice and in writing. *Last*, the Prosecution considers that the Chamber should make an affirmative determination as to any actual or latent conflicts of interest or other impediments to representation regarding the proposed counsel, as a matter of record.

Given the significance of the issues involved, the Prosecution considers that a formal filing and disposition is required in these circumstances. Thank you for your consideration.

Kind regards,

Kweku Vanderpuye

From: [REDACTED]
Sent: 26 January 2021 12:47

Subject: Request to allow Cross-examination by Legal Consultants and Electronic Evidence Specialist

Dear Trial Chamber V,

The Yekatom Defence is actively preparing for trial and more specifically for the commencement of the evidence by the Prosecution scheduled to start on Monday, 15 March 2021.

Given the prevailing circumstances, the Defence is arranging the necessary international travel of certain team members in anticipation to avoid any delays attributable to the travel restrictions in place by the Host State.

To assist us in our planning and organisation, we are respectfully seeking the Chamber's permission to have, in addition to Counsel and Legal Assistants, our Legal Consultants and our Electronic Evidence Specialist, conduct some of the cross-examinations. The Chamber can rest assured that they all hold a License to practice Law and Counsel will be present at all times during their respective cross-examinations.

In addition, they have no conflicts of interest and Mr. Yekatom has given his informed consent for them to conduct their respective cross-examinations. The Defence also informed the Prosecution as well as the Common Legal Representative of Victims of our intention to make this request to your Honors to allow our Legal Consultants and our Electronic Evidence Specialist to conduct cross-examinations in the course of the trial. Please advise if you need any additional information or details.

Kind regards,

[REDACTED]
Case Manager
Yekatom Defence

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