

From: Trial Chamber V Communications
Sent: 22 February 2021 10:53
To: Vanderpuye, Kweku; [REDACTED]; Dimitri, Mylene; Trial Chamber V Communications
Cc: [REDACTED]; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; Office of the Director DJSS; Chamber Decisions Communication
Subject: RE: Guidance of the Chamber in relation to the Decision on the Defence Requests for In-Person Legal Visits at the Detention Centre ICC-01/14-01/18-853
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel,

The Single Judge clarifies that the authorisation to the Defence teams to meet their respective clients in person at the Detention Centre was (i) based on the specific circumstances raised by the Defence teams in their respective requests, (ii) granted on an exceptional basis, and thus (iii) limited to the time period prior to the commencement of the opening statements (see Decision ICC-01/14-01/18-853, para. 14).

Accordingly, any further requests for in-person visits must be submitted to the Chamber, explaining the specific circumstances which, in the Defence's view, warrant an exception to the Temporary Measures at the Detention Centre (see Memorandum DS/2021/015/HT/mb). The Defence may do so by way of email.

Kind regards, TC V

From: Vanderpuye, Kweku
Sent: 19 February 2021 18:25
To: [REDACTED]; Dimitri, Mylene; Trial Chamber V Communications
Cc: [REDACTED]; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; Office of the Director DJSS
Subject: RE: Guidance of the Chamber in relation to the Decision on the Defence Requests for In-Person Legal Visits at the Detention Centre ICC-01/14-01/18-853

Dear All,

The Prosecution has no objection to the request, consistent with our responses to the previous Defence Requests (ICC-01/14-01/18-816-Conf and ICC-01/14-01/18-839-Conf). It further considers the request in line with, and a logical extension of, the rationale underlying the Chamber's 26 January 2021 Decision. Thank you.

Kind regards,

Kweku Vanderpuye

From: [REDACTED]
Sent: 19 February 2021 18:14
To: [REDACTED]
Cc: [REDACTED]
 [REDACTED]
 [REDACTED]

Subject: RE: Guidance of the Chamber in relation to the Decision on the Defence Requests for In-Person Legal Visits at the Detention Centre ICC-01/14-01/18-853

Dear Trial Chamber V,

On behalf of the Defence team of Mr Ngaïssona, we fully support legal visits extending to beyond the opening statements, in order to allow the Defence to prepare for trial and safeguard Mr Ngaïssona's rights to a fair trial, as argued in our Request ICC-01/14-01/18-833-Conf-Exp, filed on 18 January 2021.

We welcome any clarification from the Chamber on its the Decision ICC-01/14-01/18-853 and we stand ready to file a new request for in-person legal visits to your Chamber.

Cordially yours,

Legal Assistant, Defence team for Mr Ngaïssona

From: Dimitri, Mylene [REDACTED]

Sent: 19 February 2021 17:40

To: Trial Chamber V Communications [REDACTED]

Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Guidance of the Chamber in relation to the Decision on the Defence Requests for In-Person Legal Visits at the Detention Centre ICC-01/14-01/18-853

Dear Trial Chamber V,

The Yekatom Defence respectfully seeks the guidance of the Chamber in relation to *the Decision on the Defence Requests for In-Person Legal Visits at the Detention Centre ICC-01/14-01/18-853* ("Decision").

The Defence sent a request to the Detention Centre today in order to schedule two in person legal visits next week, one for Monday, 22 February at 9:00 and the second one for Thursday 25 February at 9:00. The aim was to prepare and discuss the evidence to be used during the first evidentiary block.

The Defence requests for legal visits were denied on the basis that privileged in-person visits were granted by the Single Judge "prior to the commencement of the opening statement" only and given that "the trial opened on 16 February 2021 and ended today (...) in accordance with the Chamber's decision, it is not possible to accommodate the requested in-person visits."

The Yekatom submission to have in person legal visits granted by the Chamber was not to limited to the preparation of the opening statements, but rather to discuss certain evidence in person, in light of the technical difficulties in reviewing certain evidentiary material remotely. The Defence respectfully submits that when granting the Defence request, the Chamber also took into account the recent filing of the Final Witness List, and List of Evidence, and the completion of disclosure.

The Defence therefore respectfully inquires as to whether the Chamber's Decision granting in-person legal visits was limited to the period prior to the opening statements only, or the opening statement were simply the starting point to justify the necessity of limited in-person legal visits throughout the trial.

Kind regards,

Mylène Dimitri

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