

**From:** Trial Chamber V Communications  
**Sent:** 23 February 2021 17:25  
**To:** Dimitri, Mylene; Trial Chamber V Communications  
**Cc:** OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Office of the Director DJSS; [REDACTED]; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; Chamber Decisions Communication  
**Subject:** RE: Yekatom Defence Request for authorisation for in-person visits at the Detention Centre

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Counsel,

The Single Judge takes note of the below Yekatom Defence (the 'Defence') email request, seeking authorisation for in-person visits at the Detention Centre (i) ahead of the commencement of the first evidentiary block (the 'Request'), and (ii) ahead of the second evidentiary block in case of an extension of the Temporary Measures (the 'Additional Request').

Noting the specific circumstances set out in the Request, notably the Defence's intention to review and seek Mr Yekatom's final instructions on the use of satellite and mapping imagery and audio-visual material which cannot adequately be performed remotely, the Single Judge is satisfied that an exception to the Temporary Measures is warranted.

However, the Single Judge considers that the Request lacks specificity, as it only refers to 'visits ahead of the first evidentiary block of Prosecution witnesses', without specifying the number of intended visits.

Under these circumstances, having regard to the reported purposes of the visits and emphasising that any exceptions to the Temporary Measures should be kept to a minimum, the Single Judge authorises the Yekatom Defence to conduct a total of three in-person visits with its client at the Detention Centre prior to the commencement of the first evidentiary block, on such dates to be determined with the Registry.

As acknowledged by the Defence, any such visits are subject to the Registry's conditions as set out in the 'Registry Observations on the "Request for authorization of in-person legal visits with Mr. Yekatom" (ICC-01/14-01/18-816-Conf)', 18 January 2021, taking into account all required health measures.

Lastly, with regard to the Additional Request, the Single Judge is of the view that it is premature. The Additional Request is therefore rejected.

Kind regards, TC V

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**From:** Dimitri, Mylene  
**Sent:** 22 February 2021 17:11  
**To:** Trial Chamber V Communications  
**Cc:** OTP CAR IIB Case Management ; OTP CAR IIB Managers ; V44 LRV Team ; V44 LRV Team OPCV ; V45 LRV Team ; Office of the Director DJSS ; [REDACTED] ; D29 Yekatom Defence Team ; D30 Ngaissona Defence Team  
**Subject:** Yekatom Defence Request for authorisation for in-person visits at the Detention Centre

Dear Trial Chamber V,

Further to Trial Chamber V's email of 22 February 2021, the Defence for Mr Yekatom hereby respectfully requests authorisation for in-person visits at the Detention Centre.

The Defence submits that circumstances related to defence preparation for the first and second evidentiary block, scheduled for 15-31 March 2021 and 26 April-12 May 2021 respectively, warrant an exception to the Temporary Measures at the Detention Centre currently in force until at least 18 March 2021.

Specifically, the Defence requires in-person visits with Mr Yekatom because it intends to use satellite and mapping imagery, and audio-visual material, during cross-examination of a number of witnesses currently scheduled to appear during the first and second evidentiary block. For instance, the Defence intends to use high-resolution satellite imagery with satellite imagery expert analyst P-2193. Similarly, it intends to use mapping imagery with P-2682, who is expected to testify on *inter alia* the alleged 5 December 2013 attack on Boeing. The Defence also currently plans to use audio-visual material during its cross-examinations of witnesses P-2926, P-0952, P-2328, P-1074, P-0291, and P-0801.

The Defence intends to review this material with Mr Yekatom for the purposes of obtaining final instructions regarding the upcoming cross-examination of these witnesses. However, as previously submitted, reviewing such material via telephone conversations and/or through the [REDACTED] shared-screen function remains problematic. The shared-screen does not allow for efficient comparison of imagery; nor is it practical for reviewing audio-visual material with Mr Yekatom, which is an inherently stop-start process. Remotely reviewing satellite and mapping imagery with Mr Yekatom is likewise problematic, for example because of difficulties inherent in efficiently indicating or communicating areas or images of interest on the material. Moreover, receiving instructions on the basis of remote review of such material is not only highly inefficient - it also carries an elevated risk of miscommunication between Mr Yekatom and his Defence. For these reasons, this issue therefore directly impacts Mr Yekatom's right to adequate time and facilities for the preparation of his defence.

In addition, Associate Counsel Mr. Hannis is still relatively "new" to the case and so far has only been able to have a handful of short visits with Mr. Yekatom. In addition, Mr. Hannis will be handling cross-examinations for a large percentage of the witnesses and it will benefit him and Mr. Yekatom to have more time together for cross-exam preparation.

The Defence therefore respectfully requests authorisation for in-person visits ahead of the first evidentiary block of Prosecution witnesses, scheduled to commence in three weeks. In the event the Temporary Measures at the Detention Centre currently in force are to be extended beyond 18 March 2021, the Defence additionally respectfully requests authorisation for in-person visits ahead of the second evidentiary block of Prosecution witnesses, scheduled to commence on 26 April 2021 until 12 May 2021.

Should Trial Chamber V be minded to grant this request, the Defence undertakes to fully comply with the Registry's conditions as set out in previous submissions (ICC-01/14-01/18-832-Conf, paras 10-12) and to take into account all required health measures.

Kind Regards,  
Mylène Dimitri

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