

From: Trial Chamber V Communications
Sent: 12 March 2021 14:50
To: Vanderpuye, Kweku; [REDACTED] Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: RE: Attendance to the hearings (first block) via video-link
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel,

The Single Judge takes note of the Ngaissona Defence's request for Counsel Omissé-Namkeamaï to 'be allowed to attend the examination of the first block remotely' (email of the Ngaissona Defence, 11 March 2021, at 18:58 - the 'Request') and the Prosecution's response thereto (email of the Prosecution, 11 March 2021, at 19:33).

Noting the circumstances raised by the Ngaissona Defence, the Chamber finds it appropriate to grant the Request, subject to:

- (1) The rights of the accused being fully respected;
- (2) the Registry being able to guarantee the security of the transmission and that any confidential sessions to which Mr Omissé-Namkeamaï will have access are secure from extraneous observation or dissemination; and
- (3) the proceedings not being unduly interrupted or delayed due to technical failures in the remote participation system.

Noting further the persistence of the Coronavirus Pandemic, and the impact of the consequent restrictions implemented worldwide (notably travel restrictions), the Single Judge finds it appropriate to provide a general authorisation for remote participation by video-link, subject to the conditions set out above and until further notice.

The participants are thus instructed to liaise with the Registry for the necessary arrangements whenever remote participation is needed.

Lastly, in light of the risk of technical issues, the Single Judge stresses that this authorisation should be used exceptionally, where in-court attendance cannot be facilitated since counsel is located in another country.

Kind regards, TCV

From: Vanderpuye, Kweku [REDACTED]
Sent: 11 March 2021 19:33
To: [REDACTED] Trial Chamber V Communications [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Subject: RE: Attendance to the hearings (first block) via video-link

Dear Trial Chamber V,

Dear Counsel,

The Prosecution defers to the Chamber regarding the formality of the Request.

As concerns the substance of the Request, given that the Accused will have Counsel present in the Courtroom during the proceedings, the Prosecution does not consider that the additional participation of Associate Counsel Omissé-Namkeamaï in any way implicates any fair trial concerns.

However, the Prosecution does not object to Associate Counsel's remote participation as long as (1) the Registry guarantees the security of the necessary transmission and can ensure that any confidential sessions (private or closed) to which Counsel will have access are secure from extraneous observation or dissemination; and (2) that the proceedings will not be unduly interrupted or delayed due to technical failures in the remote participation system.

Thank you for your consideration.

Kind regards,

Kweku Vanderpuye

From: [REDACTED]

Sent: 11 March 2021 18:58

To: Trial Chamber V Communications [REDACTED]

Subject: Attendance to the hearings (first block) via video-link

Dear Trial Chamber V,

The Defence for Mr Ngaïssona respectfully requests that Counsel Omissé-Namkeamaï be allowed to attend the examination of the first block remotely. On 22 February 2021, after the end of the Opening Statement, Counsel Omissé-Namkeamaï travelled back to Central African Republic where he continues to represent Mr Ngaïssona. However, arranging travels between Central African Republic and The Netherlands is a challenging process as restrictions to travels still apply due the Covid-19 Pandemic and the security situation. Mr Omissé-Namkeamaï's presence in The Hague for the Opening Statement took months to be organized, and such a lengthy process could not take place to allow Mr Omissé-Namkeamaï's attendance for the first block of witnesses. Nevertheless, his presence during the examination of the witnesses is still required to safeguard Mr Ngaïssona's rights to a fair trial. While team members present in The Hague will be able to be present and take turns in the Courtroom despite the limitations related to the Covid-19 Pandemic, this possibility does not exist for Mr Omissé-Namkeamaï due to the geographical distance and the restrictions in place.

On 1 February 2021, taking into account the Observations of the Registry confirming the feasibility of video-link participation, the Chamber granted a request submitted by the CLRV in order to be able to present their Opening Statement via video-link from two different locations including from the Central African Republic (see ICC-01/14-01/18-862, para. 15). Noting that the Local Office in Bangui possesses the relevant material and training in order to organize video-link participation, the Defence for Mr Ngaïssona respectfully requests that Counsel Omissé-Namkeamaï be allowed to attend the examinations of the witnesses of the first block via video-link from the Local Office of the International Criminal Court in Bangui.

The Defence for Mr Ngaïssona stands ready to file the present request by way of a formal filing.

Kind regards,

[REDACTED]
Case Manager – Ngaïssona Defence

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