

ANNEX 2

PUBLIC

From: Trial Chamber V Communications
Sent: 15 June 2021 10:25
To: [REDACTED]
Cc: D30 Ngaïssona Defence Team; D29 Yekatom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; [REDACTED] Office of the Director DJSS; Chamber Decisions Communication; Associate Legal Officer-Court Officer; Trial Chamber V Communications
Subject: RE: Ngaïssona Defence Request to Conduct In-Person Visits at the Detention Centre for the fourth block
Attachments: Yekatom Defence Request for three in-person visits prior to the 4th Block

Dear Counsel,

The Single Judge takes note of the email requests by the Ngaïssona Defence (*see below*) and the Yekatom Defence (*see attached*), seeking authorisation to conduct three in-person legal visits at the Detention Centre for the preparation of the fourth evidentiary block (the 'Requests').

Noting the specific circumstances set out in the Requests, the Single Judge is satisfied that an exception to the Temporary Measures is warranted.

The Single Judge therefore authorises the Ngaïssona Defence and the Yekatom Defence to conduct three in-person legal visits with their respective clients at the Detention Centre in preparation for the fourth evidentiary block, on such dates to be determined in consultation with the Registry.

The Single Judge reiterates that any such visits are subject to the Registry's conditions as set out in ICC-01/14-01/18-832, taking into account all required health measures.

Kind regards, TC V

From: [REDACTED] >
Sent: 09 June 2021 16:43
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaïssona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED] OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED] [REDACTED] Office of the Director DJSS [REDACTED]
Subject: Ngaïssona Defence Request to Conduct In-Person Visits at the Detention Centre for the fourth block

Dear Trial Chamber V,

As indicated per your email of 22 February 2021, the Defence hereby respectfully presents its Request seeking authorisation to conduct in-person visits at the Detention Centre prior to the presentation of the fourth evidentiary block.

The Defence submits that specific circumstances warrant an exceptional departure from the Covid-19 Temporary Measures set out by the Detention Centre and the Registry on 19 March 2020 (DS/2020/023/PC/mc) and extended until 21 June 2021 (DS/2021/031/HT/mb) in order to safeguard Mr Ngaïssona's fair trial rights.

The Defence submits that the preparation of the examination of the fourth block of witnesses warrants in-person meetings with Mr Ngaïssona.

First, the nature of the exhibits related to several witnesses prevents the Defence to conduct a proper analysis over the phone or through the Detention Centre Collaboration System (DCCS) and should rather be analysed in person. This material includes numerous audios and photographs related to witnesses P-2328 and P-0965, who will come to testify respectively as witnesses #14 and #17. The large amount of material and its complexity prevents the Defence from being able to receive clear and specific indications from Mr Ngaïssona over the phone or on the DCCS.

Second, in-person visits are warranted to prepare the examination of the high-profile witnesses that will appear in this fourth block. Considering the position of witness P-2328 during the time-frame of the charges, the Defence cannot properly prepare the examination over the phone let alone through the DCCS. In addition, on 9 June 2021, the Prosecution informed the parties and participants that it intends "to call P-0884 in the event that P-2625 should be unavailable". Considering the high-profile character of witness P-0884, and if the witness was to be called last

minute, the Defence will need to rapidly adjust and an analysis of the relevant material over the phone or through the DCCS would not be as efficient as an in-person visit.

The Defence appreciates the arrangements made in the Detention Centre in order to conduct visits safely and without risks of contamination. The Defence will therefore follow the same sanitary precautions as during the visits which have been conducted so far, and stands ready to abide by any other sanitary measure.

In light of the above, the Defence respectfully requests the Chamber that it be granted a reasonable number of three legal visits to perform the work detailed above. The Defence requests that these visits be conducted prior to and throughout the fourth block of witnesses, if the schedule allows it.

Kind regards,



On behalf of Ngaissona Defence Team

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From: [REDACTED]
Sent: 10 June 2021 17:51
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; 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
Subject: Yekatom Defence Request for three in-person visits prior to the 4th Block

Dear Trial Chamber V,

This morning the Yekatom Defence held *inter partes* discussion with the Registry and the Administration of the Detention Centre. The Detention Centre informed the Yekatom Defence that it anticipated an extension of the current restrictions of the visits beyond the 21st June 2021 and that it had no objection for the Yekatom Defence to address a new request to the Chamber.

Further to Trial Chamber V's email of 22 February 2021, the Defence for Mr. Yekatom hereby respectfully requests authorisation to hold three in-person visits at the Detention Centre between the 21st June 2021 and the 5th July 2021.

The Defence submits that circumstances related to its preparation for the fourth evidentiary block, scheduled for 5th July 2021 until 23rd July 2021, warrant an exception to the Temporary Measures at the Detention Centre currently in force.

The Defence respectfully requests three in-person visits with Mr Yekatom especially in order to review audio-video material to prepare for the cross examination of P-0884 and P-0291 and seek Mr Yekatom's comments.

Kind regards,

[REDACTED]
[REDACTED]
Yekatom Defence

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