

ANNEX 4

PUBLIC

From: Trial Chamber V Communications
Sent: 07 April 2021 10:55
To: Dimitri, Mylene; Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; [REDACTED] Office of the Director DJSS; D29 Yekatom Defence Team; Chamber Decisions Communication
Subject: RE: [Yekatom] Request for three in-person visits at the Detention Centre prior to 26 April 2021

Dear Counsel,

The Single Judge takes note of the below Yekatom Defence (the 'Defence') email request, seeking authorisation to conduct three in-person legal visits at the Detention Centre prior to the commencement of the second evidentiary block (the 'Request').

Noting the specific circumstances set out in the Request, notably the Defence's intent to discuss and seek instructions on material intended to be used with a number of witnesses scheduled to testify in the second evidentiary block and which cannot adequately be performed remotely, the Single Judge is satisfied that an exception to the Temporary Measures is warranted.

The Single Judge therefore authorises the Defence to conduct three in-person legal visits with its client at the Detention Centre prior to the commencement of the second evidentiary block, on such dates to be determined in consultation 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 (ICC-01/14-01/18-832), taking into account all required health measures.

Kind regards, TC V

From: Dimitri, Mylene [REDACTED]
Sent: 01 April 2021 16:06
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; Office of the Director DJSS [REDACTED]; D29 Yekatom Defence Team [REDACTED]
Subject: [Yekatom] Request for three in-person visits at the Detention Centre prior to 26 April 2021

Dear Trial Chamber V,

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 prior to 26 April 2021.

The Defence submits that circumstances related to its preparation for the second evidentiary block, scheduled for 26 April-12 May 2021, warrant an exception to the Temporary Measures at the Detention Centre currently in force until at least 19 April 2021.

The Defence requires three in-person visits with Mr. Yekatom because it intends to use photographs and audio-video material during cross-examination of a number of witnesses currently scheduled to appear during the second evidentiary block.

Specifically, the Defence intends to use maps and audio-video material with P-2625 and P-0801, which are two substantial witnesses. P-0801 appears on a number of audio and video recordings of various lengths. The Defence is also reviewing the possibility of using a few video materials during the examination of P-2012 and would seek Mr. Yekatom's comments prior to make a final determination. The Defence expects that it would need 4 hours meeting with Mr. Yekatom to discuss those witnesses and the material it intends to use.

The Defence also intends to use photographs and audio-video material with P-1577 and P-2926, and albeit these witnesses were scheduled for the first evidentiary block, the Defence respectfully requests an additional 3 hours meeting with Mr. Yekatom in order to review the cross-examination plan sections containing references to audio-video material. A review of the audio-video material closer to the effective date of testimony would greatly assist effective preparation the more so given the Prosecution's email in which it indicates its intention to use about 300 photographs with P-1577 from the 8000 items disclosed.

For the remaining witnesses such as P-2027 and P-2841, the Defence is satisfied that preparation of their cross examination with Mr. Yekatom can be conducted efficiently via [REDACTED] and phone calls.

As stated in the previous request, the preparation related to photographs and audio-video material cannot be adequately performed remotely. Thus, the Defence contends that three in-person visits would be suitable to ensure Mr. Yekatom's right to adequate time and facilities for the preparation of his defence.

The Defence has already contacted the CCO of the Detention Centre to inform him of its request and to carefully seek whether or not he considered the request reasonable and whether or not he has specific concerns before we address our request to the Chamber.

The Defence therefore respectfully requests authorisation for three in-person visits ahead of the second evidentiary block of Prosecution witnesses, scheduled to commence on 26 April.

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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