

ANNEX 5

PUBLIC

From: Trial Chamber V Communications
Sent: 07 April 2021 10:58
To: [REDACTED]; Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; 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; Chamber Decisions Communication
Subject: RE: Ngaissona Defence Request to Conduct In-Person Visits at the Detention Centre prior to the second block

Dear Counsel,

The Single Judge takes note of the below Ngaissona 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 two 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: [REDACTED]
Sent: 06 April 2021 14:50
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] OTP CAR IIB Case Management [REDACTED] [REDACTED]; OTP CAR IIB Managers [REDACTED] V44 LRV Team OPCV [REDACTED] [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] [REDACTED] Office of the Director DJSS [REDACTED]
Subject: Ngaissona Defence Request to Conduct In-Person Visits at the Detention Centre prior to the second block

Dear Trial Chamber V,

The Defence respectfully request the authorisation to conduct three in-person visits at the Detention Centre prior to the presentation of the second 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 prolonged until 19 April 2021 (DS/2021/021/HT/ml) in order to safeguard Mr Ngaissona's fair trial rights.

In-person legal visits are required for the preparation of the examinations of the next block of witnesses. The preparation of witnesses P-1577 and P-2012 requires displaying a large amount of exhibits to Mr Ngaissona which includes maps and photographs and which cannot be discussed efficiently over the phone due to the nature of such

material. In addition, major insider witnesses commenting at length on Mr Ngaïssona's conduct will be examined in the second block. The importance of such witnesses and the level of details they are providing would be discussed more efficiently in-person. The preparation of the examination of these witnesses would greatly benefit from in-person visits where exchanges and reactions from Mr Ngaïssona are more fluid and detailed.

The Defence will follow the same sanitary precautions as during the previous visits conducted prior to the Opening Statement and the first block of witnesses and stands ready to abide by any other sanitary measure.

In light of the above, the Defence respectfully requests that it be granted a reasonable number of three legal visits to perform the work detailed above prior to the examination of the witnesses starting on 26 April 2021.

Respectfully yours,



Case Manager – Ngaïssona Defence

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