

ANNEX 10

PUBLIC

From: Trial Chamber V Communications
Sent: 30 April 2021 16:23
To: [REDACTED] Trial Chamber V Communications
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
Subject: RE: Ngaïssona Defence Request to Conduct In-Person Visits at the Detention Centre prior to the third block

Dear Counsel,

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

Noting the specific circumstances set out in the Request, notably the Defence's intent to discuss with Mr Ngaïssona for the preparation of the examination of the witnesses of the third block complex maps and photographs, 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 third 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: 29 April 2021 17:17
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]
Subject: Ngaïssona Defence Request to Conduct In-Person Visits at the Detention Centre prior to the third 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 third 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 19 May 2021 (DS/2021/027/HT/mb) in order to safeguard Mr Ngaïssona's fair trial rights.

First, the Defence submits that the preparation of the examination of the third block of witnesses warrants in-person meetings with Mr Ngaïssona. 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 maps and photographs related to witnesses P-2251 and P-2328, who will come to testify respectively as witnesses #12 and #15. The complexity of such material prevents the Defence from being able to receive clear and specific indications of certain locations and depictions from Mr Ngaïssona over the phone or on the DCCS. Also, the preparation of witness P-0952 necessitates displaying a large number of materials to Mr Ngaïssona that cannot be discussed efficiently over the phone or through the DCCS.

Second, Mr Ngaïssona brought to the Defence's attention detention-related matters linked to food purchases, which have been addressed with the Detention Centre as part of an ongoing litigation. Although these issues have already been discussed many times with Mr Ngaïssona over the phone, as well as through the DCCS, and despite a thorough analysis of the documentation provided by both Mr Ngaïssona and the Detention Centre, there are still some misunderstandings. Given the complexity and the persistence of these concerns for Mr Ngaïssona, an in-person meeting is necessary so as to settle those detention-related matters.

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 that it be granted a reasonable number of three legal visits to perform the work detailed above. The Defence requests that one visit be conducted on the week starting 3 May 2021 so as to settle Mr Ngaïssona's detention-related issues, and that two other visits be conducted on the week starting 17 May 2021 in order to prepare the examination of the third block of witnesses expected to begin on 24 May 2021.

Kind regards,



On behalf of Ngaïssona Defence Team

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