

ANNEX 38

PUBLIC

From: Trial Chamber V Communications
Sent: 14 April 2022 10:14
To: OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer
Cc: Trial Chamber V Communications; Chamber Decisions Communication
Subject: Decision ending general authorisation for remote participation

Dear Counsel, dear colleagues from the Registry,

The Single Judge recalls his 12 March 2021 email decision, in which he authorised the participants' remote participation by video-link, subject to certain conditions and until further notice (the 'Authorisation') (see email from the Chamber, 12 March 2021, at 14:50). The Authorisation was given in light of the Coronavirus Pandemic and the related restrictions in place worldwide, in particular travel restrictions. The Single Judge stressed at the time that this authorisation should be used exceptionally, where in-court attendance cannot be facilitated since counsel is located in another country.

The exceptionality and temporary nature of the Authorisation was further emphasised by the Chamber on 12 November 2021 (see T-076, p. 71, lines 8-20). Notably, the Chamber indicated that while the pandemic is unfortunately still ongoing, travel and in-court attendance was again possible. Further, it noted that the Chamber would amend the Authorisation if deemed appropriate under the circumstances.

Noting the recent developments with regard to the Coronavirus Pandemic, particularly the full return to the office at the Court's headquarters as of 4 April 2022, the Single Judge deems it appropriate to end the Authorisation at this point. This decision is effective as of the next evidentiary block, starting on 25 April 2022.

Should *exceptional* circumstances require counsel to attend remotely, the Chamber will rule on requests on a case-by-case basis.

Kind regards, TC V