

ANNEX 42

PUBLIC

From: Trial Chamber V Communications
Sent: 20 April 2022 15:35
To: [REDACTED] Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; OTP CAR IIB Prosecution Team; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Decision on the Ngaissona Defence Request to allow remote attendance for Mr Omissé-Namkeamaï during P-1193's testimony

Dear Mr [REDACTED],

The Single Judge takes note of the Ngaissona Defence's request below.

In light of the exceptional and limited nature of the request and the short period between the Chamber's decision ending the general authorisation (14 April 2022) and P-1193's appearance (28 April 2022), the Single Judge authorises Mr Omissé-Namkeamaï to attend P-1193's testimony scheduled to start on 28 April 2022 remotely from the field office in Bangui.

Registry is instructed to facilitate the video-link in line with the conditions set out in the Single Judge's decision of 12 March 2021 (see email from the Chamber, 12 March 2021, at 14:50).

Kind regards, TC V

From: [REDACTED]
Sent: 20 April 2022 13:19
To: Trial Chamber V Communications <[REDACTED]>
Cc: D30 Ngaissona 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 Operations [REDACTED] OTP CAR IIB Prosecution Team [REDACTED] >
Subject: Request to allow remote attendance for Associate Counsel (P-1193)

Dear Trial Chamber V,

In light of the most recent decision of the Chamber regarding the ending of the general authorisation for remote participation (email from Chamber, 14 April 2022, at 10:14), the Defence for Mr Ngaissona respectfully requests that Counsel Omissé-Namkeamaï be allowed and authorised to attend the examination of P-1193 of the upcoming block (Block 12) starting in a week on Thursday 28 April 2022 (See the Prosecution's email, 19 April 2022 at 18:45), remotely from the field office in Bangui.

Ensuring Counsel Omissé-Namkeamaï's presence in the Hague for the opening statements in February 2021 took several weeks of planning, organisation and communication with various bodies internal and external to the Court. Such process cannot take place between the Chamber's decision last Thursday the 14th of April and the start of the upcoming block next Thursday the 28th. Furthermore, the nature of Counsel Omissé-Namkeamaï's work in CAR is quite sensitive to the extent that his work schedule should be planned and adapted in advance in order to assure full proficiency and confidentiality of each aspect of his duties. Nonetheless, Counsel Omissé-Namkeamaï's presence during the examination of witness P-1193 is required to safeguard Mr Ngaissona's rights to a fair trial as well as necessary for the Defence's investigations and case.

Additionally, The Defence notes that flights between CAR and the Netherlands are limited in nature and take over 21 hours due to the unavailability of direct flights between the two countries during such times. Due to time restrictions, it would be extremely difficult for Counsel Omissé-Namkeamaï to be present by the start of the block next week to follow the entirety of witness P-1193's testimony from the courts premises in the Hague. Moreover, since the use of Live Court is currently only restricted and available to use by certain computers available only in the Court's premises; the only manner in which Counsel Omissé-Namkeamaï can efficiently follow the entirety of the testimony of P-1193, is remotely via video link from the field office in Bangui.

The Defence requests that such limited authorisation be granted to attend P-1193's testimony as the witness had been granted protective measures and there is a high probability that several parts of the examinations of the witness by both the calling and non-calling parties are conducted in private session during the four days of the witness's testimony. Moreover, P-1193 addresses events central to the core issues in the Prosecution's case against Mr Ngaissona. As a result, it is crucial that Counsel Omissé-Namkeamaï follows the entirety of the witness's examination in order to conduct the necessary investigations and inquiries substantial to Mr Ngaissona's defence, both during his testimony and after the completion of the testimony. Counsel Omissé-Namkeamaï has insight and unique expertise, on CAR and the events that had occurred during the period related to the charges against Mr Ngaissona, that his presence is therefore necessary to the extent possible for the preparations of the upcoming witnesses relevant to the events the witness will be addressing.

This is an exceptional request, limited in scope, in light of the Chamber's most recent ruling on the end of remote participation and the proximity of Block 12 as well as to the importance of P-1193's testimony to the case against Mr Ngaissona. The Defence for Mr. Ngaissona appreciates the consideration the Chamber is willing to give to this request.


Legal Intern - Defence for Mr Ngaissona

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