

**ANNEX 45**  
**Public Redacted**  
**Version**

**From:** Trial Chamber V Communications  
**Sent:** 13 January 2023 17:41  
**To:** [REDACTED]  
**Cc:** OTP CAR IIB Prosecution Team; OTP CAR IIB Case Management; D29 Yekatom Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D30 Ngaissona Defence Team; [REDACTED]; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications  
**Subject:** Decision on the Yekatom Defence Request to Order the Detention Centre to Facilitate the Visit Mr. [REDACTED] all day on [REDACTED]

Dear Counsel,

The Single Judge takes note of the Yekatom Defence's request below (email from the Yekatom Defence to the Chamber, the Prosecution and the Registry, 13 January 2023, at 11:00; confidential redacted version in email from the Yekatom Defence, 13 January 2023, at 16:53).

Noting the explanations provided by the Yekatom Defence and in light of the agreement reached with the Prosecution, the Single Judge grants the Yekatom Defence's request.

The Single Judge therefore instructs the Detention Centre to facilitate the visit of Mr. [REDACTED] on [REDACTED] all day, with random active monitoring at times unknown to Mr Yekatom.

Kind regards, TC V

**From:** [REDACTED]  
**Sent:** 13 January 2023 16:53  
**To:** Trial Chamber V Communications [REDACTED]  
**Cc:** OTP CAR IIB Prosecution Team [REDACTED]; OTP CAR IIB Case Management [REDACTED]; D29 Yekatom Defence Team <[REDACTED]> V44 LRV Team OPCV [REDACTED] V44 LRV Team <[REDACTED]> V45 LRV Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]  
**Subject:** Confidential redacted version of "Yekatom ex parte Request to Order the Detention Center to Facilitate the Visit Mr. [REDACTED] all day on [REDACTED]"

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Dear Trial Chamber V,  
Dear all,

The Yekatom Defence (the "Defence") would like to present a proposed agreement between the Defence and the Prosecution concerning the visit of Mr. [REDACTED] to Mr. Yekatom all day on [REDACTED]

Under the current restrictions, as confirmed by the Decision on Mr Yekatom's Restrictions on Contacts and Communications in Detention, "Mr Yekatom may receive visits from individuals whose identities have been verified. These visits are subject to random active monitoring". (ICC-01/14-01/18-485-Conf, paras. 13, 30).

Mr. [REDACTED] Mr. Yekatom's [REDACTED], is scheduled to visit Mr. Yekatom on [REDACTED] However, the Detention Center informed the Defence that it can only facilitate the visit from 12h20

to 16h20 as it is the maximum amount of time that could be secured given the available resources (See email attached dated 11 January 2023 10:32). The Defence suggested that the visit be permitted for six hours, four of which would be actively monitored without giving Mr. Yekatom any information on the exact period of time which would be subject to such monitoring (See email attached dated 11 January 2023 17:26). The Detention Center rejected this suggestion, arguing to be implementing the Trial Chamber's order (See email attached dated 12 January 2023, at 17:31).

Through the various exchanges of emails the Defence had with the Detention Center, it was understood that the reason why the visit cannot take place for any longer period of time is because Mr. Yekatom is under contact restrictions and active monitoring. In other words, an unmonitored visit would in principle not be limited to 4 hours. (See email attached dated 11 January 2023, at 10:52).

Following *inter partes* discussions with the Prosecution on this matter, the Prosecution agreed to the Defence suggestion.

The Defence provided the Prosecution with the following background regarding Mr. [REDACTED] which we understand was also part of the reason why the Prosecution agreed with the Defence suggestion:

- Mr. [REDACTED] lives [REDACTED] since 2008 and was not in Central African in 2013-2014.
- He is never mentioned in any case-related document such as the Arrest Warrant or the Confirmation Decision.
- While Mr. [REDACTED] in [REDACTED], Mr. Yekatom has not had the opportunity to see him since he was arrested.
- Mr. [REDACTED] has been on Mr. Yekatom's List of non-privileged members for more than 2 years. They talk to each other once a week and no incident has been reported in relation to those calls.
- Mr. [REDACTED] is exceptionally coming from [REDACTED] to Europe during the week of [REDACTED]. Giving the hearings Schedule the Defence could only suggest a visit on [REDACTED]. In light of the amended schedule sent by the Chamber yesterday regarding Thursday 19 January 2023, the Defence sent an additional request and was just informed that a visit on the afternoon of the [REDACTED] is also possible. The Defence also sent an additional email to the Detention Center for a visit to take place [REDACTED] which was rejected, and the Defence understands the difficulty to secure the presence of an interpreter to monitor the visit on weekends.

The Defence apologizes for this last minute request, but wishes to underline that the Request for the visit was sent to the Detention Center as early as the 21 December 2022. However, a response was only provided by the Detention Center to the Defence on 9 January 2023, and after a request for an update by the later. The Defence understands that the Chamber usually considers that it would be more appropriate to adjudicate the requests on the record. However, given the tight deadline, the Defence decided to approach the Chamber by email after reaching an agreement with the Prosecution yesterday.

In light of the above, the Defence respectfully requests the Chamber to Order the Detention Center to facilitate the visit Mr. [REDACTED] all day on [REDACTED] with random active monitoring anytime during the period of the visit and without giving Mr. Yekatom any information on the exact period of time which would be subject to such monitoring. This would enable Mr. Yekatom and [REDACTED] to share more than two afternoons.

This email is sent on an ex parte basis (Prosecution, Registry and Yekatom Defence only) due to the references to the name and country residence of [REDACTED]. A confidential redacted version is being sent simultaneously.

Kind regards,

[REDACTED]  
Legal Assistant, Yekatom Defence

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