

ANNEX 10

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 10 August 2022 17:08
To: Vanderpuye, Kweku
Cc: [REDACTED] OTP CAR IIB Case Management; OTP CAR IIB Operations; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Order on Prosecution Request for Clarification regarding the Registry's Sixth Report on Implementation of Restrictions on Contact of Mr Ngaïssona

Dear Counsel,

The Single Judge takes note of the Prosecution's email below.

The Prosecution may provide its views on the information received from the Registry in its observations to the Sixth Report (ICC-01/14-01/18-1536-Conf-Red).

Kind regards,

TC V

From: Vanderpuye, Kweku [REDACTED]
Sent: 10 August 2022 11:04
To: Trial Chamber V Communications [REDACTED]
Cc: [REDACTED]; OTP CAR IIB Case Management [REDACTED]
[REDACTED] OTP CAR IIB Operations [REDACTED] Chamber Decisions Communication
[REDACTED]
Subject: RE: Order on the Prosecution Request for Further Information from Registry concerning the Sixth Report on Implementation of Restrictions on Contact of Mr Ngaïssona

Dear Trial Chamber V,

I would like to check to see whether there is any further action we might expect before making our submissions on the Sixth Report, or whether the Chamber considers we make submissions notwithstanding.

If you could please let us know, that would be very much appreciated. Thank you.

Kind regards,

Kweku

From: [REDACTED]
Sent: 05 August 2022 12:31
To: Trial Chamber V Communications [REDACTED]
Cc: Vanderpuye, Kweku [REDACTED] OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations [REDACTED]
[REDACTED] Trial Chamber V Communications [REDACTED] Chamber Decisions Communication
[REDACTED] Office of the Director DJSS [REDACTED]
[REDACTED]
Subject: RE: Order on the Prosecution Request for Further Information from Registry concerning the Sixth Report on Implementation of Restrictions on Contact of Mr Ngaïssona

Dear Trial Chamber V,

On behalf of the Registry, please find below the requested information:

- (1) has the Registry *verified* that the [REDACTED];

The Registry clarifies that it has not verified that th [REDACTED]
[REDACTED] However, the Registry brings to the attention of the Chamber that the system is designed in a way that the Accused do not have access to content not on the Privileged Defence network. [REDACTED]
[REDACTED]

- (2) how long has the Accused been receiving and/or had [REDACTED]

The Registry clarifies that it has not access to the [REDACTED] The Registry is therefore not aware for long the Accused has been [REDACTED] The Registry became aware that the Accused had [REDACTED] t issue when it was mentioned during the non-privileged communications of the detained person.

- (3) has the Registry previously identified that it has [REDACTED] and [REDACTED]

The Registry informs the Chamber that it has [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED] However, the Registry informs the Chamber that [REDACTED]
[REDACTED]. The Registry also [REDACTED]
[REDACTED] The Registry has monitored all non-privileged material which has been imported through the regular import procedure as regulation 169 of the RoR.

- (4) how, if at all, does the Registry intend to determine the [REDACTED]
[REDACTED]

The Registry informs the Chamber that the CCO [REDACTED]
[REDACTED] The Registry [REDACTED]
[REDACTED] The Registry monitors [REDACTED]
[REDACTED] The Registry does not have any incidents to report in relation to non-privileged written correspondence since its "Fifth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaissona Ordered by Trial Chamber V" (ICC-01/14-01/18-1307-Conf).

The Registry remains available to the Chamber should further information be necessary,

Kind regards,

[REDACTED]

[REDACTED]
Associate Legal Officer
Detention section
Registry

From: Trial Chamber V Communication [REDACTED]

Sent: 05 August 2022 09:43

To: Vanderpuye, Kweku [REDACTED] Office of the Director DJSS [REDACTED]

Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations [REDACTED]

[REDACTED] Trial Chamber V Communications [REDACTED]

Chamber Decisions Communication [REDACTED]

Subject: Order on the Prosecution Request for Further Information from Registry concerning the Sixth Report on Implementation of Restrictions on Contact of Mr Ngaïssona

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the Prosecution's email in relation to the 'Sixth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Trial Chamber V', 1 August 2022, ICC-01/14-01/18-1536-Conf-Red (see email from the Prosecution to the Chamber, 3 August 2022, at 12:38), in which the Registry informed the Chamber of a potential concern related to [REDACTED].

The Chamber notes the Prosecution's submission that the Registry's report is 'alarming'. It also notes its concern that 'it is unclear whether the Registry has [REDACTED] and that the Registry 'is not in a position to say affirmatively whether the [REDACTED] [REDACTED]

In light of the above, the Chamber instructs the Registry to respond to the Prosecution's queries specified below, by Friday 5 August 2022 at 12:00:

'(1) has the Registry *verified* that the [REDACTED]

(2) how long has the Accused been receiving and/or had access to the [REDACTED]

(3) has the Registry previously identified that it has [REDACTED] and

(4) how, if at all, does the Registry intend to determine the [REDACTED]

Kind regards,

TC V