

ANNEX 12

Public Redacted

Version

[REDACTED]

From: Trial Chamber V Communications
Sent: 10 August 2022 17:34
To: [REDACTED]
Cc: Office of the Director DJSS; [REDACTED]
[REDACTED] Trial Chamber V Communications; Chamber Decisions
Communication
Subject: Decision on Registry Notification of Potential Concern regarding the Restrictions on
Contact of Mr Yekatom

Dear colleagues from the Registry,

The Chamber takes note of the Registry's notification of a 'potential concern regarding the implementation of restrictions on contacts for Mr Yekatom', following the monitoring of a non-privileged telephone conversation on 27 July 2022 between Mr Yekatom and a friend, and that said conversation 'is of potential concern and could be case-related' (see email below).

In light of the above, the Chamber instructs to file this potential incident on the record for the Chamber and the participants, with redactions as necessary, as soon as possible.

Kind regards,

TC V

From: [REDACTED]
Sent: 02 August 2022 17:40
To: Trial Chamber V Communications [REDACTED]
Cc: Office of the Director DJSS [REDACTED]
[REDACTED]
[REDACTED]
Subject: Notification of potential concern

Dear Trial Chamber V,

The Registry wishes to bring to the attention of the Chamber a matter of potential conversation of concern regarding Mr Yekatom's restrictions on contact.

In implementing the Chamber's orders (ICC-01/14-01/18-1420-Conf-Exp, para. 12), the CCO has monitored the non-privileged telephone conversations of Mr Yekatom. On 27 July 2022, Mr Yekatom called a friend, [REDACTED] [REDACTED] ("27 July 2022 Call"). From the transcript of the 27 July 2022 Call, it appears that the interlocutors discussed about a potential and upcoming meeting between [REDACTED] [REDACTED]. The CCO finds that this conversation is of potential concern and could be case-related.

The Registry hereby provides the brief summary from the monitoring of the non-privileged telephone call on 27 July 2022 of Mr Yekatom and his friend as follow:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Furthermore, on 30 March 2020, the Registry submitted the “Registry Observations on “Yekatom Defence Request to Modify the Restrictions on Contacts and Communications to Eliminate Random Active Monitoring during Coronavirus pandemic”, (ICC-01/14-01/18-458-Conf-Exp) and Report on Active Monitoring”. In this report, the Registry reported that during a conversation dated 23 March 2020 with another non-privileged “[t]he conversation between Mr Yekatom and his interlocutor appears to be a discussion about Mr Yekatom’s case, in obscure language.” (ICC-01/14-01/18-467-Conf, paras. 25-27). The Registry notes that during this conversation, the name “[REDACTED]” was mentioned (ICC-01/14-01/18-467-Conf-Exp-Anxl).

The CCO is not in a position to determine whether the name mentioned in the 23 March 2020 Call designates the same person mentioned in the conversation of 27 July 2022. However, the CCO notes that the name “[REDACTED]” was mentioned in a previous conversation dated 2020 which was considered as case-related by Trial Chamber V (ICC-01/14-01/18-485-Conf, para. 22). Therefore, the CCO decided to remove [REDACTED] from the non-privileged telephone list of Mr Yekatom. Mr Yekatom will be [REDACTED], before his next calling session.

With this email and in accordance with the Chamber’s orders to “inform the Chamber of any violation of the applicable restrictions or other significant developments immediately” (ICC-01/14-01/18-540, para. 13), the Registry hereby informs the Chamber of a potential concern regarding the implementation of restrictions on contacts for Mr Yekatom. The Registry recalls that the next Registry report on the implementation of the restrictions on contact for Mr Yekatom is due on 6 October 2022, however the Registry stands ready should the Chamber wish this matter of concern to be filed earlier.

The Registry remains available to the Chamber should further information be necessary and available to provide the transcript of the excerpt of the 27 July 2022 Call.

Kind regards,

[REDACTED]

[REDACTED]

Associate Legal Officer
Detention section
Registry