

ANNEX 24

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 21 March 2023 13:34
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Cc: Office of the Director DJSS; [REDACTED] Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Order on Registry communication on active monitoring of Mr Yekatom - CONF-RED VERSION

[ICC] RESTRICTED

Dear counsel,

For the purposes of transparency and in the aim of efficiency, the Single Judge hereby shares with the participants the communications exchanged between the Registry and the Chamber on 6 and 10 March 2023, having applied the necessary redactions.

Kind regards, TC V

From: Trial Chamber V Communications [REDACTED]
Sent: 10 March 2023 11:38
To: [REDACTED] >
Cc: Office of the Director DJSS [REDACTED]
[REDACTED] Trial Chamber V Communications [REDACTED]; Chamber Decisions Communication [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: Order on Registry communication on active monitoring of Mr Yekatom

Dear colleagues of the Registry,

The Single Judge takes note of the email below, in which the Registry informs the Chamber of several incidents occurring during the active monitoring of the non-privileged telephone calls between Mr Yekatom and [REDACTED]. Notably, the Registry informs the Chamber that during phone calls on 10 February 2023 and 17 February 2023, negative comments were made by Mr Yekatom and [REDACTED] about the work of the Detention Section, which the Registry interpreted 'as veiled threats against the staff of the Registry'.

The Single Judge notes the nature and content of the transcript of the non-privileged conversation of 10 February 2023 and the summary of the non-privileged conversation of 17 February 2023, attached to the email below. Moreover, the Single Judge observes that Mr Yekatom has already been warned by the Registry to refrain from repeating the behaviour. In light of this, the Single Judge does not consider it necessary to receive a report at this stage and instructs the Registry to include all information in relation to these incidents in its next regular report, due on 18 August 2023.

However, the Single Judge instructs the Registry to provide the Chamber with the transcript of the non-privileged telephone conversation of 17 February 2023, when it becomes available.

Kind regards, TC V

From: [REDACTED]
Sent: 06 March 2023 16:33
To: Trial Chamber V Communications [REDACTED]
Cc: Office of the Director DJSS [REDACTED]
Subject: Registry communication on active monitoring of Mr Yekatom

Dear Trial Chamber V,

On behalf of the Registry, in implementing the restrictions on contacts, the Registry has actively monitored the non-privileged telephone calls of Mr Yekatom.

Pursuant to the "Decision Recalling the Reporting Procedure for the Review of Restrictions" (ICC-01/14-01/18-540, para. 13) issued by Trial Chamber V on 1 June 2020, the Registry is ordered to, *inter alia*, "inform the Chamber of any violation of the applicable restrictions or other significant developments immediately". The Registry hereby brings the following information to the Chamber's attention for information.

On 10 February 2023, during a non-privileged telephone call with Mr Yekatom's [REDACTED], Mr Yekatom and [REDACTED] made negative comments on [REDACTED] carry out their work.

On 17 February 2023, during a non-privileged telephone call with [REDACTED], Mr Yekatom again made negative comments on [REDACTED] carry out their work. Mr Yekatom also made negative comments on [REDACTED] carries out his work. For the context, "Zairois" is a person coming from Democratic Republic of Congo ("DRC") and [REDACTED]. The Acting Chief Custody Officer ("CCO") considered these conversations as veiled threats against the staff of the Registry.

On 2 March 2023, the CCO orally talked to Mr Yekatom and gave an oral and written warning about the conversations. Mr Yekatom was asked not to make negative comments about Registry staff or talk directly to interpreters during his calls. The CCO reminded Mr Yekatom, *inter alia*, that Mr Yekatom is asked not to make comments or threats towards ICC staff during his non-privileged telephone calls, he has to ensure that his interlocutors respect this measure.

The CCO thereafter informed the Defence, who requested the audio recordings of the calls. Today the CCO denied the request, and again reminded the Defence that standard practice is that the Registry does not provide audio recordings of telephone calls, and also that the Registry and LSS are tasked with neutrally providing language services to the Court, and for the calls in question it is common two LSS interpreters review the audio recordings. In addition, the CCO recalled that the Defence previously introduced a similar request before the Trial Chamber for access to the audio recording (ICC-01/14-01/18-1549-Conf-Exp, paras. 14-15) where the TC decided to reject the Defence Request, finding that "it is more appropriate for the Registry to review the non-privileged telephone calls of Mr Yekatom" (29 September 2022, ICC-01/14-01/18-1590-Conf-Exp, para. 13).

Regarding the two calls above, the Registry has prepared the transcript of the call dated 10 February 2023 and is working on preparing the transcript of the call dated 17 February 2023 which will be shared with the Defence and the Chamber as soon as it is available. In the meantime, please find attached the transcript of the 10 February 2023 call (with a redaction on private information about another detained person) and the working summary of the 17 February 2023 call.

The Registry will include the conversations and transcripts in the next Registry report on the implementation of the restrictions on contact for Mr Yekatom is due on 18 August 2023, unless requested earlier.

Best regards,

[REDACTED]

On behalf of the Registry

Detention Section