

ANNEX 12

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 07 January 2025 12:24
To: Office of the Director DJSS; Trial Chamber V Communications
Cc: [REDACTED] Chamber Decisions Communication
Subject: Order in relation to the Registry's Notification in Compliance with the Chamber's "Eighth Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention" (ICC-01/14-01/18-2177-Conf)

Dear colleagues of the Registry,

The Single Judge takes note of the reported incident and the Registry's request for guidance below.

In light of the request's potential bearing on Mr Ngaïssona's rights, the Single Judge considers it prudent that the request and relevant transcript be filed on the case record to give the Ngaïssona Defence the opportunity to make observations as soon as possible. Accordingly, the Single Judge instructs the Registry to advance and file its next report on 10 January 2025 (instead of 14 April 2025). The Registry may follow the usual intervals for filing its regular reports thereafter.

Kind regards, TC V

From: [REDACTED]
Sent: Friday, January 3, 2025 2:52 PM
To: Trial Chamber V Communications
Cc: Office of the Director DJSS ; [REDACTED]
Subject: Notification in Compliance with the Chamber's "Eighth Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention" (ICC-01/14-01/18-2177-Conf)

[ICC] RESTRICTED

Dear Trial Chamber V,

In compliance with the Chamber's "Eighth Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention" (31 October 2023, ICC-01/14-01/18-2177-Conf), whereby, *inter alia*, "the Registry is instructed to continue reporting any incidents, significant developments, or challenges in relation to the implementation of the restrictions as soon as they arise" (para. 33), the Registry hereby brings the following information to the Chamber's attention:

In accordance with regulation 175(1) of the Regulations of the Registry, the Acting Chief Custody Officer has conducted random monitoring of Mr Ngaïssona's non-privileged telephone calls. As outlined in the Chamber's "Tenth Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention" (29 November 2024, ICC-01/14-01/18-2741-Conf), Mr Ngaïssona is prohibited from using obscure or coded language or engaging in care-related discussions during non-privileged communications (paras. 7-8).

On 10 December 2024, during a non-privileged telephone call randomly monitored between Mr Ngaïssona and one of [REDACTED], [REDACTED] stated, *inter alia*, "[REDACTED]"

[REDACTED] "to which Mr Ngaïssona answered "[REDACTED]"

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]". It appears to the Registry that this conversation may be case-related.

Moreover, [REDACTED] also stated, *inter alia*: "[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]". The Registry finds this conversation concerning and potentially obscure, particularly in relation to [REDACTED].

The Registry intends to include this conversation and the relevant transcript (attached herewith) in the next Registry report on the implementation of the restrictions on contacts for Mr Ngaissona, which is due on 14 April 2025, unless otherwise instructed by the Chamber.

The Registry further notes that some information contained in the transcript could be relevant to [REDACTED], particularly in light of [REDACTED]. The Registry acknowledges that transcripts of non-privileged telephone calls are confidential as they contain private and personal information pertaining to the detained person and their contacts. Furthermore, such transcripts form part of the detention record and their disclosure is governed by regulation 92 of the Regulations of the Court, which requires the views of the detained person to be sought prior to granting access.

In light of the above, the Registry respectfully seeks the Chamber's guidance on whether sharing the transcript with another Chamber could be authorised.

The Registry remains at the Chamber's disposal to take any further action deemed appropriate.

Best regards,
[REDACTED]

*On behalf of Office of the Director
Division of Judicial Services*