

ANNEX 11
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 21 August 2023 12:45
To: OTP CAR IIB
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Prosecution request for further information

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the request below and the issues raised by the Prosecution related to the 'administration of the Detention Centre'.

Taking into account the Registry's submissions in its latest report (ICC-01/14-01/18-2027-Conf-Red), the Single Judge is of the view that the Prosecution may address the above issues in its observations to the report and make its requests therein, without further information by the Registry.

The request is therefore denied.

Kind regards,
 TC V

From: OTP CAR IIB [REDACTED]
Sent: 16 August 2023 12:14
To: Trial Chamber V Communications [REDACTED]
Cc: Vanderpuye, Kweku [REDACTED]
Subject: ICC-01/14-01/18-2027-Conf-Red

Dear Trial Chamber V,

The Prosecution notes with serious concern the 14 August 2023 "*Eighth Registry Report on the Implementation of the Restrictions on Contact for Mr Alfred Yekatom Ordered by Trial Chamber V*" (ICC-01/14-01/18-2027-Conf-Red).

Like the report concerning contact restrictions regarding Mr Ngaissona (ICC-01/14-01/18-2024-Conf-Red), the Report concerning Mr Yekatom describes his access to [REDACTED], which the Registry Custody Officers [REDACTED]. Irrespective of the Accused's capacity to communicate through the internet, other issues arise with respect to the administration of the Detention Centre as may impact the case.

In brief, this matter involves two discrete issues: (1) whether the [REDACTED] comprises properly 'privileged' material; and (2) whether the *means* through which [REDACTED] is provided to the Accused is appropriate. The latter involves not only the mechanism of communication, but the status of the *individual(s)* using it. It appears that the Registry [REDACTED]. As such, the Prosecution requests that the Chamber direct the Registry to respond to the following query:

- (a) What the nature of [REDACTED] is, and [REDACTED] to the Accused;
- (b) [REDACTED]; and
- (c) Whether [REDACTED] was entitled to legally privileged communications, as previously addressed by the Chamber (*see* ICC-01/14-01/18-712-Conf, para. 17

- defining *specifically* who is (and is not) entitled to legally privileged communications under Rule 73(1) of the Rules)).

- a. If not, or the Registry cannot determine this information – how long has this been the case; and how does it plan to address the issue.

Should the Chamber direct the Registry to answer the above inquiry, the Prosecution requests that it extend the time for its Response to the relevant Report pending the Registry's explanation. Thank you.

Kind regards,

On behalf of Kweku Vanderpuye