

**Cour
Pénale
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**International
Criminal
Court**



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No.: ICC-01/14-01/18

Date: 17 June 2019

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
THE PROSECUTOR *v.* ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA**

**Confidential *EX PARTE* only available to the Defence for Patrice-Edouard
Ngaïssona, Office of the Prosecutor and Registry**

**Confidential Redacted Version of "Fourth Registry Report on the Implementation
of the Restrictions on Contact of Mr Ngaïssona Ordered by the Pre-Trial Chamber
II", dated on 17 June 2019**

With Confidential *EX PARTE* Redacted Annex I

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Mr Geert-Jan Alexander Knoops

Legal Representatives of the Applicants

Legal Representatives of the Victims

Unrepresented Applicants

(Participation/Reparation)

Unrepresented Victims

**The Office of the Public Counsel for
Victims**

**The Office of the Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Paddy Craig

**Victims Participation and Reparations
Section**

I. Introduction

1. Following the “Decision pursuant to Regulation 101 of the Regulations of the Court” (“Chamber’s Decision”)¹ issued by the Pre-Trial Chamber II (“Chamber”) on 15 April 2019, in which the Registry is ordered to report on the implementation of the restrictions on contact for Patrice-Édouard Ngaïssona (“Mr Ngaïssona”) every two months, the Registry hereby submits its report on the monitoring of Mr Ngaïssona’s non-privileged telephone calls, visits and incoming and outgoing mail since 8 April 2019. By this report, the Registry informs the Chamber that no incident has been reported.

II. Procedural history

2. On 23 January 2019, the Single Judge of Pre-Trial Chamber II issued the “Decision pursuant to Regulation 101 of the Regulations of the Court” (“First Decision”) in which the Registry was, *inter alia*, directed to put in place several measures to restrict Mr Ngaïssona’s contact with the outside world through written correspondence, non-privileged telephone calls and family visits.²
3. On 6 February 2019, the Registry submitted its “Registry Report on the Implementation of the Restrictions on Contact Ordered by the Single Judge”.³ In this report, the Registry reported that no incidents occurred during the monitoring of Mr Ngaïssona’s contact with the outside world.

¹ Pre-Trial Chamber II, “Decision pursuant to Regulation 101 of the Regulations of the Court”, 15 April 2019, ICC-01/14-01/18-176-Conf-Red.

² Single Judge, “Decision pursuant to Regulation 101 of the Regulations of the Court”, 23 January 2019, ICC-01/14-02/18-11-Conf-Exp, paras 7-11.

³ “Registry Report on the Implementation of the Restrictions on Contact Ordered by the Single Judge”, 6 February 2019, ICC-01/14-02/18-28-Conf-Exp.

4. On 6 February 2019, the Chamber issued the "Third Decision pursuant to Regulation 101 of the Regulations of the Court",⁴ in which *inter alia* it ordered the Registry to prepare a report on the implementation of the restrictions on contact as ordered in the First Decision "setting out any relevant information relating to Mr Ngaïssona's behaviour on communications that may give rise to suspicion that he interferes with the Prosecutor's investigation (in particular that he poses a threat to potential witnesses and victims) or that he engages in activities that may affect the outcome of the proceedings".⁵
5. On 25 February 2019, the Registry submitted the "Second Registry Report on the Implementation of the Restrictions on Contact of Mr Patrice-Édouard Ngaïssona".⁶ In this report, the Registry reported that no incidents occurred during the monitoring of Mr Ngaïssona's contact with the outside world.
6. On 1 March 2019, the Chamber issued the "Decision pursuant to Regulation 101 of the Regulations of the Court" ("Fourth Decision") in which it decided *inter alia* that "Mr Ngaïssona non-privileged telephone conversations and visits (apart from private family visit) shall henceforth be actively monitored *at random* [...] as frequently as possible".⁷
7. On 8 April 2019, the Registry submitted the "Third Registry Report on the Implementation of the Restrictions on Contact of Mr Patrice-Édouard Ngaïssona".⁸ In this report, the Registry reported that no incidents occurred during the monitoring of Mr Ngaïssona's contact with the outside world.

⁴ Pre-Trial Chamber II, "Third Decision pursuant to Regulation 101 of the Regulations of the Court", 6 February 2019, ICC-01/14-02/18-27-Conf-Exp.

⁵ *Ibid.*, para. 12.

⁶ "Second Registry Report on the Implementation of the Restrictions on Contact of Mr Patrice-Édouard Ngaïssona Ordered by the Single Judge", dated 25 February 2019, ICC-01/14-01/18-125-Conf-Exp.

⁷ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp, para. 19.

⁸ "Third Registry Report on the Implementation of the Restrictions on Contact of Mr Patrice-Édouard Ngaïssona Ordered by the Single Judge", dated 8 April 2019, ICC-01/14-01/18-166-Conf-Exp.

8. On 15 April 2019, the Chamber issued the “Decision pursuant to Regulation 101 of the Regulations of the Court” (“Fifth Decision”) in which *inter alia* it decides to extend the restrictive measures for the remainder of the pre-trial proceedings and requested the Registry to submit a report every two months.⁹ The Registry hereby submits the present report as so ordered.

II. Classification

9. In accordance with regulation 23 *bis* (1) of the Regulations of the Court (“RoC”), the present report is classified as confidential *ex parte* only available to the Defence and the Registry, as it contains sensitive information including identifying information of Mr Ngaïssona’s personal contacts and detention-related matters. A redacted version of the present report has been prepared, as ordered by the Chamber.¹⁰

IV. Applicable law

10. For the purpose of the present submission, the Registry has considered regulations 99(1)(i) and 100 of the RoC, and regulations 173, 174, 175, 179, 180, and 183 of the Regulations of the Registry (“RoR”).

V. Submissions

Non-privileged telephone calls

11. During the reporting period starting on 8 April 2019, Mr Ngaïssona made telephone calls to the individuals on his non-privileged telephone contact list according to the implemented time schedule. As of 13 March 2019,

⁹ Pre-Trial Chamber II, “Decision pursuant to Regulation 101 of the Regulations of the Court”, 15 April 2019, ICC-01/14-01/18-176-Conf-Red, p.14-15.

¹⁰ *Ibid.*, p.14.

considering the reasonable demands of the daily schedule at the DC and the availability of the interpreter, Mr Ngaïssona has been able to make non-privileged telephone calls for one and a half hours every week, on Mondays and Thursdays, from 14:30 to 15:15.¹¹

12. In implementing the Fifth Decision, during the reporting period, the DC actively monitored [REDACTED] of the scheduled telephone calls made by Mr Ngaïssona at random. No incidents occurred during this reporting period.

13. Mr Ngaïssona currently has 19 individuals on his non-privileged telephone contact list out of the 25 allowed in accordance with the DC policy on telephone contacts. During the reporting period, Mr Ngaïssona had 20 opportunities to communicate with the persons specified below. These persons and their respective relationship to Mr Ngaïssona, as identified by Mr Ngaïssona, are as follows:

- a. [REDACTED];
- b. [REDACTED];
- c. [REDACTED];
- d. [REDACTED];
- e. [REDACTED];
- f. [REDACTED];
- g. [REDACTED];
- h. [REDACTED];
- i. [REDACTED];
- j. [REDACTED];
- k. [REDACTED];
- l. [REDACTED];

¹¹ "Third Registry Report on the Implementation of the Restrictions on Contact of Mr Patrice-Edouard Ngaïssona Ordered by the Pre-Trial Chamber II", annex II, Programme des appels téléphoniques à partir du 14 mars 2019.

- m. [REDACTED];
- n. [REDACTED];
- o. [REDACTED];
- p. [REDACTED];
- q. [REDACTED];
- r. [REDACTED];
- s. [REDACTED].

- i) On 8 April 2019, Mr Ngaïssona spoke with [REDACTED];
- ii) On 11 April 2019, Mr Ngaïssona spoke with [REDACTED];
- iii) On 15 April 2019, Mr Ngaïssona spoke with [REDACTED];
- iv) On 18 April 2019, Mr Ngaïssona spoke with [REDACTED];
- v) On 22 April 2019, Mr Ngaïssona spoke with [REDACTED];
- vi) On 25 April 2019, Mr Ngaïssona spoke with [REDACTED];
- vii) On 29 April 2019, Mr Ngaïssona spoke with [REDACTED];
- viii) On 2 May 2019, Mr Ngaïssona spoke with [REDACTED];
- ix) On 6 May 2019, Mr Ngaïssona spoke with [REDACTED];
- x) On 9 May 2019, Mr Ngaïssona spoke with [REDACTED];
- xi) On 13 May 2019, Mr Ngaïssona spoke with [REDACTED];
- xii) On 16 May 2019, Mr Ngaïssona spoke [REDACTED];
- xiii) On 20 May 2019, Mr Ngaïssona spoke with [REDACTED];
- xiv) On 23 May 2019, Mr Ngaïssona spoke with [REDACTED];
- xv) On 27 May 2019, Mr Ngaïssona spoke with [REDACTED];
- xvi) On 30 May 2019, Mr Ngaïssona spoke with [REDACTED];
- xvii) On 3 June 2019, Mr Ngaïssona spoke with [REDACTED];
- xviii) On 6 June 2019, Mr Ngaïssona spoke with [REDACTED];
- xix) On 10 June 2019, Mr Ngaïssona spoke with [REDACTED];
- xx) On 13 June 2019, Mr Ngaïssona spoke with [REDACTED].

14. On 21 March 2019, Mr Ngaïssona submitted a completed Telephone Number Form to the DC staff in order to seek authorisation to add [REDACTED] to his non-privileged telephone contact list. Pursuant to the DC's vetting procedure, the DC staff contacted [REDACTED] to confirm [REDACTED] relationship with Mr Ngaïssona and the additional information provided by the latter. On 29 March 2019, pursuant to the Fourth Decision,¹² the CCO requested the support of the VWU to further verify the identity and contact details of the individual in question, in order to determine whether [REDACTED] could be added to Mr Ngaïssona non-privileged telephone list. On 1 May 2019, the VWU submitted its report concluding that "the identity of the aforementioned individual has been confirmed".¹³ In the absence of any concerns brought to the attention of the CCO, this individual has been added to Mr Ngaïssona's non-privileged list.

15. On 21 March 2019, Mr Ngaïssona submitted a completed Telephone Number Form to the DC staff in order to seek authorisation to add [REDACTED] to his non-privileged telephone contact list. Pursuant to the DC's vetting procedure, the DC staff contacted [REDACTED] to confirm [REDACTED] relationship with Mr Ngaïssona and the additional information provided by the latter. On 6 May 2019, pursuant to the Fourth Decision,¹⁴ the CCO requested the support of the VWU to further verify the identity and contact details of the individual in question, in order to determine whether [REDACTED] could be added to Mr Ngaïssona non-privileged telephone list. On 6 May 2019, the VWU submitted its report concluding that neither [REDACTED] between Mr Ngaïssona and [REDACTED] nor [REDACTED] contact details could be

¹² Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

¹³ Annex I, VWU Report. 1 May 2019.

¹⁴ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

confirmed.¹⁵ In the absence of any concerns brought to the attention of the CCO, this individual has been added to Mr Ngaïssona's non-privileged list.

16. On 1 April 2019, Mr Ngaïssona submitted a completed Telephone Number Form to the DC staff in order to seek authorisation to add [REDACTED] to his non-privileged telephone contact list. Pursuant to the DC's vetting procedure, the DC staff contacted [REDACTED] to confirm [REDACTED] with Mr Ngaïssona and the additional information provided by the latter. On 3 April 2019, pursuant to the Fourth Decision,¹⁶ the CCO requested the support of the VWU to further verify the identity and contact details of the individual in question, in order to determine whether [REDACTED] could come to visit Mr Ngaïssona. On 12 April 2019, the VWU submitted its report concluding that [REDACTED] contact details have not been confirmed.¹⁷ In the absence of any concerns brought to the attention of the CCO, this individual has been added to Mr Ngaïssona's non-privileged list.

17. On 11 April 2019, Mr Ngaïssona submitted a completed Telephone Number Form to the DC staff in order to seek authorisation to add [REDACTED] to his non-privileged telephone contact list. Pursuant to the DC's vetting procedure, the DC staff contacted [REDACTED] to confirm [REDACTED] relationship with Mr Ngaïssona and the additional information provided by the latter. On 3 April 2019, pursuant to the Fourth Decision,¹⁸ the CCO requested the support of the VWU to further verify the identity and contact details of the individual in question, in order to determine whether [REDACTED] could come to visit Mr Ngaïssona. On 12 April 2019, the VWU submitted its report concluding that [REDACTED] telephone number provided in the application

¹⁵ Annex I, VWU Report. 12 April 2019.

¹⁶ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

¹⁷ Annex I, VWU Report. 1 May 2019

¹⁸ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

form has been confirmed.¹⁹ In the absence of any concerns brought to the attention of the CCO, this individual has been added to Mr Ngaïssona's non-privileged list.

18. On 7 May 2019, Mr Ngaïssona submitted a completed Telephone Number Form to the DC staff in order to seek authorisation to add [REDACTED] to his non-privileged telephone contact list. Pursuant to the DC's vetting procedure, the DC staff contacted [REDACTED] to confirm [REDACTED] relationship with Mr Ngaïssona and the additional information provided by the latter. On 13 June 2019, pursuant to the Fourth Decision,²⁰ the CCO requested the support of the VWU to further verify the identity and contact details of the individual in question, in order to determine whether [REDACTED] could be added to Mr Ngaïssona non-privileged telephone list. On 17 June 2019, the VWU submitted its report and it is currently under review by the CCO.

19. On 7 May 2019, Mr Ngaïssona submitted a completed Telephone Number Form to the DC staff in order to seek authorisation to add [REDACTED] to his non-privileged telephone contact list. Pursuant to the DC's vetting procedure, the DC staff contacted [REDACTED] to confirm [REDACTED] relationship with Mr Ngaïssona and the additional information provided by the latter. On 3 April 2019, pursuant to the Fourth Decision,²¹ the CCO requested the support of the VWU to further verify the identity and contact details of the individual in question, in order to determine whether [REDACTED] could be added to Mr Ngaïssona non-privileged telephone list. On 11 April 2019, the VWU submitted its report concluding that there is insufficient information to confirm [REDACTED] identity or contact details of the person in question.²² In

¹⁹ Annex I, VWU Report. 12 April 2019.

²⁰ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

²¹ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

²² Annex I, VWU Report. 11 April 2019.

the absence of any concerns brought to the attention of the CCO, this individual has been added to Mr Ngaïssona's non-privileged list.

20. On 7 May 2019, Mr Ngaïssona submitted a completed Telephone Number Form to the DC staff in order to seek authorisation to add [REDACTED] to his non-privileged telephone contact list. Pursuant to the DC's vetting procedure, the DC staff contacted [REDACTED] to confirm [REDACTED] relationship with Mr Ngaïssona and the additional information provided by the latter. On 13 June 2019, pursuant to the Fourth Decision,²³ the CCO requested the support of the VWU to further verify the identity and contact details of the individual in question, in order to determine whether [REDACTED] could be added to Mr Ngaïssona non-privileged telephone list. On 17 June 2019, the VWU submitted its report and it is currently under review by the CCO.

21. Pursuant to the Fifth Decision, the Registry has ensured that any time required to set, connect, reconnect or get a telephone call answered does not affect the time allocated to Mr Yekatom or Mr Ngaïssona to speak on the telephone.²⁴ On 7 June 2019, the Defence Team of Mr Ngaïssona brought to the attention of the CCO that of the 45 minutes allocated to Mr Ngaïssona to make telephone calls, he could only speak for approximately 30 to 35 minutes. This issue is due to external difficulties with the telephone system, as telephones sometimes do not connect, cut out or just continue to ring without answer. To overcome this issue, the daily schedule has been modified to ensure that Mr Ngaïssona will be able to speak for the full 45 minutes on the telephone as an interpreter will now be present for one hour.²⁵ In the interest of fairness, this new schedule for telephone calls has also been applied to Mr Yekatom and has been communicated to Mr Ngaïssona and Mr Yekatom, respectively.

²³ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

²⁴ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 15 April 2019, ICC-01/14-01/18-176-Conf-Red.

²⁵ Annex II.

Non-privileged Visits

22. Pursuant to the Fifth Decision, Mr Ngaïssona's non-privileged visits shall be actively monitored at random as frequently as possible, with the exception of family visits from his wife and children only.²⁶ Accordingly, the latter are supervised in accordance with regulation 183 of the RoR.

23. The four following applications for permission to visit Mr Ngaïssona have been submitted to the DC staff [REDACTED]. On 3 April 2019, pursuant to the Fourth Decision²⁷, the CCO requested the support of the VWU to further verify the identity and contact details of these individuals in order to determine whether they can come to visit Mr Ngaïssona. On 12 April 2019, VWU submitted its reports.

24. Regarding [REDACTED], the report recommends the DC to confirm that the photo supplied by the VWU report corresponded to the ID photo provided by the visitor, which it did: the DC confirmed the identity of [REDACTED] and matched it with the information provided in the VWU findings.²⁸ In absence of any concerns brought to the attention of the CCO, this individual has been authorized to visit Mr Ngaïssona.

25. As to [REDACTED], the VWU report concludes that [REDACTED] identity or contact details could not be confirmed.²⁹ In absence of any concerns brought to the attention of the CCO, this individual has been granted authorization to visit Mr Ngaïssona.

²⁶ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

²⁷ Pre-Trial Chamber II, "Decision pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp.

²⁸ Annex I, VWU Report. 12 April 2019.

²⁹ Annex I, VWU Report. 12 April 2019

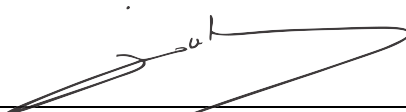
26. Concerning [REDACTED], the VWU report recommends that formal documentation be provided "to [REDACTED]" between [REDACTED] and Mr Ngaïssona.³⁰ In absence of any concerns brought to the attention of the CCO, this individual has been granted the authorization to visit Mr Ngaïssona.

27. From 30 April to 4 May 2019, Mr Ngaïssona received a family visit from his [REDACTED]. On 10 and 11 May 2019, Mr Ngaïssona received a family visit from [REDACTED]. On 20, 21, 23, 24 and 25 May 2019, Mr Ngaïssona received a family visit from [REDACTED]. From 30 May to 1 June 2019, Mr Ngaïssona received family a visit from [REDACTED]. From 11 to 15 June 2019, Mr Ngaïssona received a family visit from [REDACTED].

³⁰ Annex I, VWU Report. 12 April 2019

Incoming and outgoing mail

28. During the reporting period, Mr Ngaïssona has not received or sent any written correspondence or packages pursuant to regulations 168, 169 and 170 of the RoR, respectively.



Marc Dubuisson
Director Division of Judicial Services
on behalf of
Mr Peter Lewis, Registrar

Dated this 17 June 2019

At The Hague, The Netherlands