

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/14-01/18
Date: 18 February 2021

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

**Confidential redacted version of “Ninth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II”,
filed on 8 March 2020, ICC-01/14-01/18-444-Conf-Exp**

Source: Registry

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

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I. Introduction

1. Following the “Decision Pursuant to Regulation 101 of the Regulations of the Court” (“Fifth Decision”)¹ issued by 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-Edouard 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 6 January 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”, in which, *inter alia*, the Registry was directed to put in place several measures to restrict Mr Ngaïssona’s contacts.²
3. Following a series of subsequent Decisions and Registry Reports,³ on 3 October 2019, the Chamber issued the “Decision on the Registry’s Request for an

¹ Pre-Trial Chamber II, “Decision Pursuant to Regulation 101 of the Regulations of the Court” (“Fifth Decision”), 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-01/14-01/18-98-Conf-Exp, paras. 7-11.

³ Pre-Trial Chamber II, “Second Decision Pursuant to Regulation 101 of the Regulations of the Court”, 29 January 2019, ICC-01/14-01/18-106-Conf-Exp; Registry, “Registry Report on the Implementation of the Restrictions on Contact Ordered by the Single Judge”, 06 February 2019, ICC-01/14-01/18-115-Conf-Exp; Pre-Trial Chamber II, “Third Decision Pursuant to Regulation 101 of the Regulations of the Court”, 6 February 2019, ICC-01/14-01/18-114-Conf-Exp; Registry, “Second Registry Report on the Implementation of the Restrictions on Contact of Mr Patrice-Édouard Ngaïssona Ordered by the Single Judge”, 25 February 2019, ICC-01/14-01/18-125-Conf-Exp; 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, paras. 19-20; Registry, “Third Registry Report on the Implementation of the Restrictions on Contact of Mr Patrice-Édouard Ngaïssona Ordered by Pre-Trial Chamber II”, 08 April 2019, ICC-01/14-01/18-166-Conf-Exp; 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; Registry, “Fourth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II”, 17 June 2019, ICC-

Extension and the Contact Restrictions in place for Ngaïssona” (“Eighth Decision”),⁴ deciding that from 12 October 2019 Mr Ngaïssona would be allowed (1) one hour a week of actively monitored, non-privileged phone calls with his family only, and actively monitored visits with family members only, (2) to maintain these restrictions for the remainder of the pre-trial proceedings, and (3) to suspend until further notice all forms of communication between Mr Ngaïssona and the individual with whom he engaged in coded conversation.⁵

4. On 4 November 2019, the Registry submitted its “Seventh Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by the Pre-Trial Chamber II”, reporting no incidents.⁶
5. On 23 December 2019, the Chamber issued its “Decision pursuant to Regulation 101 of the Regulations of the Court” (“Ninth Decision”),⁷ deciding, *inter alia*, to extend the existing contact restrictions for the remainder of the pre-trial proceedings.⁸
6. On 6 January 2020, the Registry submitted its “Eighth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II”⁹ reporting no incidents.

01/14-01/18-225-Conf-Exp ; Pre-Trial Chamber II, “Decision Pursuant to Regulation 101 of the Regulations of the Court”, 9 July 2019, ICC-01/14-01/18-240-Conf-Exp, para. 30; Registry, “Fifth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by the Pre-Trial Chamber II”, 15 August 2019, ICC-01/14-01/18-276-Conf-Exp; Registry, “Sixth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II”, 13 September 2019, ICC-01/14-01/18-337-Conf-Exp;

⁴ Pre-Trial Chamber II, “Decision on the Registry’s Request for an Extension and the Contact Restrictions in place for Ngaïssona” (“Eighth Decision”), 3 October 2019, ICC-01/14-01/18-374-Conf-Exp.

⁵ *Ibid.*, paras. 39-42.

⁶ Registry, “Seventh Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by the Pre-Trial Chamber II” (“Seventh Registry Report”), 4 November 2019, ICC-01/14-01/18-390-Conf-Exp.

⁷ Pre-Trial Chamber II, “Decision Pursuant to Regulation 101 of the Regulations of the Court” (“Ninth Decision”), 23 December 2019, ICC-01/14-01/18-413-Conf-Exp.

⁸ *Ibid.*, paras. 80, 89.

⁹ Registry, “Eighth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II”, 6 January 2020, ICC-01/14-01/18-416-Conf-Exp.

7. On 20 January 2020, the Defence submitted its “Observations Pursuant to the “Eighth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre- Trial Chamber II” (ICC-01/14-01/18-416-Conf-Exp)”¹⁰ indicating that “the inability to be close to his family in such times has had serious consequences on Mr Ngaïssona’s well-being” and that “these restrictions bear disproportionate and debilitating consequences on Mr Ngaïssona’s well-being”, and [REDACTED] in annex.¹¹
8. [REDACTED]¹² [REDACTED]¹³ [REDACTED].
9. On 3 February 2020, the Chamber issued its “Decision Pursuant to Regulation 101 of the Regulations of the Court” (“Tenth Decision”),¹⁴ deciding, *inter alia*, to “maintain the existing restrictions for the remainder of the pre-trial proceedings”.¹⁵

III. Classification

10. 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 for Mr Ngaïssona, the Prosecution and the Registry, as it refers to filings and decisions of the same classification, and considering that it contains information relating to Mr Ngaïssona’s private life and detention-related matters.

¹⁰ Defence, “Defence Observations Pursuant to the “Eighth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre- Trial Chamber II” (ICC-01/14-01/18-416-Conf-Exp)”, 20 January 2020, ICC-01/14-01/18-420-Conf-Exp.

¹¹ *Ibid.*, paras. 33, 35.

¹² [REDACTED].

¹³ *Ibid.*, para. 4.

¹⁴ Pre-Trial Chamber II, “Decision Pursuant to Regulation 101 of the Regulations of the Court” (“Tenth Decision”), 3 February 2020, ICC-01/14-01/18-424-Conf-Exp.

¹⁵ *Ibid.*, para. 30.

IV. Applicable law

11. 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, 183 and 184 of the Regulations of the Registry (“RoR”).

V. Submissions

In relation to the active monitoring order

12. Mr Ngaïssona’s telephone schedule has been in effect since 12 October 2019, and includes extra time for set up and connecting of telephone calls.¹⁶ Mr Ngaïssona did not make any non-privileged telephone calls during the reporting period, however the Registry continues to offer the possibility of monitored phone calls to Mr Ngaïssona twice a week.

13. Pursuant to the Eighth Decision,¹⁷ and extended by the Ninth and Tenth Decision,¹⁸ Mr Ngaïssona’s family visits shall be actively monitored, and discussions shall be limited to matters of a strictly personal nature, and all coded or obscure language are prohibited.

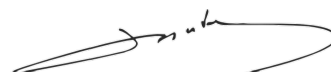
14. During the reporting period, the Registry implemented the Chamber’s Decisions by actively monitoring all of Mr Ngaïssona’s non-privileged visits by family members, taking into consideration the reasonable demands of the daily schedule at the Detention Centre and the availability of interpreters. No incidents were reported.

¹⁶ See Fifth Decision, para. 33.

¹⁷ Eighth Decision, paras. 39-41.

¹⁸ Ninth Decision, paras. 80, 89; Tenth Decision, para. 30.

15. Any written correspondence or packages that are sent or received, pursuant to regulations 168, 169 and 170 of the RoR, will be closely monitored in accordance with the relevant regulations and Chambers decisions. So far, the Registry has no incidents to report in this regard.



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

Dated this 18 February 2021

At The Hague, The Netherlands