

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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No.: ICC-01/14-01/18
Date: 8 September 2020

TRIAL CHAMBER V

Before: Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Confidential

**Second Registry Report on the Implementation of the Restrictions on Contact of
Mr Ngaïssona Ordered by Trial Chamber V**

Source: Registry

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

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REGISTRY

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I. Introduction

1. Following the "Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention" ("First Decision")¹ issued by Trial Chamber V ("Chamber") on 17 April 2020, in which the Registry is ordered to report on the implementation of the restrictions on contact for Patrice-Edouard Ngaïssona ("Mr Ngaïssona") every three 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 June 2020. By this report, the Registry informs the Chamber that no incident was reported.

II. Procedural history

2. On 17 April 2020, the Chamber issued its First Decision,² deciding to maintain the restrictions on contact previously put in place by Pre-Trial Chamber II,³ including, *inter alia*, (1) one hour a week of actively monitored, non-privileged phone calls with authorized family members only, whose identity and contact details have been duly verified beforehand by the Chief Custody Officer ("CCO"), (2) actively monitored visits with authorized family members only, whose identity and contact details have been duly verified beforehand by the CCO and (3) written correspondence limited to the individuals on his non-privileged contact list. The Chamber also ordered the Registry to submit

¹ Trial Chamber V, "Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention" ("First Decision"), 17 April 2020, ICC-01/14-01/18-484-Conf-Exp.

² First Decision, para. 15, 25.

³ 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. 10-11; 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. 19-21; Pre-Trial Chamber II, "Decision Pursuant to Regulation 101 of the Regulations of the Court", 18 September 2019, ICC-01/14-01/18-357-Conf-Exp, para. 52; Pre-Trial Chamber II, "Decision on the Registry's Request for an Extension and the Contact Restrictions in place for Ngaïssona", 3 October 2019, ICC-01/14-01/18-374-Conf-Exp, para. 40; Pre-Trial Chamber II, "Decision Pursuant to Regulation 101 of the Regulations of the Court", 23 December 2019, ICC-01/14-01/18-413-Conf-Exp, paras. 83-84, 89.

reports on the implementation of the restrictions on contact every three months.⁴

3. On 1 June 2020, the Chamber issued its "Decision Recalling the Reporting Procedure for the Review of Restrictions",⁵ recalling that the Registry shall file Registry Reports on the implementation of the restrictive measures for Mr Yekatom and Mr Ngaïssona, respectively, together with confidential redacted versions of said reports, every three months, and inform the Chamber of any violation of the applicable restrictions or other significant developments immediately.⁶
4. On 8 June 2020, the Registry submitted the "First Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Trial Chamber V" ("First Registry Report")⁷ reporting no incidents.⁸
5. On 8 July 2020, the Chamber issued its "Second Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention" ("Second Decision"),⁹ deciding to maintain the current restrictions in place.¹⁰

III. Classification

6. In accordance with regulation 23 *bis* (1) of the Regulations of the Court ("RoC"), the present report is classified as confidential, as it refers to filings and decisions of the same classification.

⁴ First Decision, para. 29.

⁵ Trial Chamber V, "Decision Recalling the Reporting Procedure for the Review of Restrictions", 1 June 2020, ICC-01/14-01/18-540-Conf.

⁶ *Ibid.*, para. 13.

⁷ Registry, "First Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Trial Chamber V", 8 June 2020, ICC-01/14-01/18-546-Conf.

⁸ *Ibid.*, paras. 1, 14.

⁹ Trial Chamber V, "Second Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention", 8 July 2020, ICC-01/14-01/18-582-Conf.

¹⁰ *Ibid.*, para. 17.

IV. Applicable law

7. For the purpose of the present submission, the Registry has considered regulations 99(1)(i), and 100 of the RoC, and regulations 168, 169, 170, 173, 174, 175, 177, 179, 180, 183 and 184 of the Regulations of the Registry ("RoR").

V. Submissions

In relation to the active monitoring order

8. Pursuant to the First Decision, Mr Ngaïssona's telephone calls and visits shall be actively monitored, limited to a list of individuals who are family members and whose identity and contact details have been duly verified beforehand by the CCO, limited to French and Sango language, and all coded or obscure language are prohibited.¹¹
9. Mr Ngaïssona's telephone schedule enables him to make phone calls for a total of 60 minutes per week to authorized members of his family.¹² Mr Ngaïssona did not make any non-privileged telephone calls during the reporting period. The Registry stands ready to offer to Mr Ngaïssona the opportunity to make telephone calls to his family twice a week should he decide to resume non-privileged telephone calls.
10. The Registry recalls its latest filing updating the Chamber on the COVID-19 measures applicable to the ICC Detention Centre ("DC"),¹³ which are currently in force until 17 September 2020. These measures were put in place to protect the health, safety and lives of the detained persons at the DC, and include,

¹¹ First Decision, para. 15.

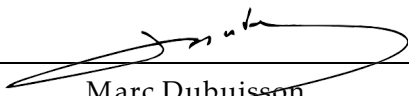
¹² First Decision, para. 15.

¹³ Registry, "Registry Third Update on Detention Centre COVID-19 Measures" ("Third COVID-19 Update"), 26 August 2020, ICC-01/14-01/18-632-Conf.

inter alia, the suspension of regulation 100 of the RoC, and regulations 177, 179 and 180 of the RoR.¹⁴

11. Therefore, during the reporting period Mr Ngaïssona did not receive any physical visits. When physical visits resume at the DC, the Registry will fully implement the Chamber's Decision by actively monitoring all of Mr Ngaïssona's non-privileged visits by family members.¹⁵

12. 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. As with non-privileged physical visits, regulations 169 and 179 of the RoR are also temporarily suspended as above. Nevertheless, Mr Ngaïssona has not received any written correspondence.



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

Dated this 8 September 2020

At The Hague, the Netherlands

¹⁴ Third COVID-19 Update, para. 4.

¹⁵ First Decision, para. 15.