

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



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

Date: 8 March 2022

**TRIAL CHAMBER V**

**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**

**Fifth 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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**The Office of the Public Counsel for  
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**REGISTRY**

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**Registrar**

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**Victims and Witnesses Unit**

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**Victims Participation and Reparations  
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## **I. Introduction**

1. Following the “Third Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”<sup>1</sup> issued by Trial Chamber V (“Chamber”) on 5 October 2020, in which the Registry is ordered to report on the implementation of the restrictions on contact for Mr Patrice-Edouard Ngaïssona (“Mr Ngaïssona”) every six months, the Registry hereby submits its report on the monitoring of Mr Ngaïssona’s non-privileged telephone calls, visits and written correspondence since 8 September 2021. The Registry does not have any incidents to report.

## **II. Procedural history**

2. Pursuant to a series of decisions,<sup>2</sup> the Chamber has ordered the following restrictions on Mr Ngaïssona’s contacts: 1) the limitation of non-privileged phone calls and visits to family members whose identity and contact details have been duly verified beforehand by the Chief Custody Officer (“CCO”), and who may request the support of the Victims and Witnesses Unit (“VWU”); 2) the active monitoring of non-privileged phone calls with authorized family members for 180 minutes distributed in two 90 minute-periods, two times a week; 3) the active monitoring of visits with authorized family members; 4) the limitation of written correspondence to individuals on his non-privileged contacts list; 5) the limitation of non-privileged communication to the languages of French and Sango; and 6) the prohibition of obscure or coded language and discussions related to his case during non-privileged communications. The

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<sup>1</sup> Trial Chamber V, “Third Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention” (“5 October 2020 Decision”), 5 October 2020, ICC-01/14-01/18-672-Conf, para. 25.

<sup>2</sup> Trial Chamber V, “Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention” (“17 April Decision”), 17 April 2020, ICC-01/14-01/18-484-Red2, paras. 15, 25; 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, paras. 12-13, 15; 5 October 2020 Decision, paras. 16, 20-22; Trial Chamber V, “Fourth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”, 23 April 2021, ICC-01/14-01/18-965-Red, paras. 17, 21; and Trial Chamber V, “Fifth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”, 12 October 2021, ICC-01/14-01/18-1136-Conf.

Chamber also ordered the Registry to submit reports on the implementation of the restrictions on contact every six months.<sup>3</sup>

### III. Classification

3. 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 decisions of the same level of confidentiality.

### IV. Applicable law

4. 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*

5. Pursuant to the Chamber’s restrictions on contacts, Mr Ngaïssona is authorized to make telephone phone calls for a total of 180 minutes per week to verified family members.<sup>4</sup> In order to give full effect of the Chamber’s decision to offer 180 minutes of calling time per week, including during full-day trial hearings, the Registry informs the Chamber that following an internal assessment of the capacity to conduct monitoring activities, the Registry offers to Mr Ngaïssona the possibility to make weekly telephone calls spread in three sessions of 60 minutes for a total of 180 minutes. The Registry has no incidents to report during Mr Ngaïssona’s non-privileged telephone calls.
6. Pursuant to the Chamber’s restrictions on contacts, Mr Ngaïssona is authorized to receive family visits with verified family members.<sup>5</sup> Regarding the

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<sup>3</sup> 5 October 2020 Decision, para. 25.

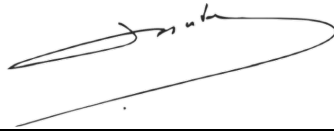
<sup>4</sup> *Ibid.*, para. 21.

<sup>5</sup> 17 April 2020 Decision, para. 15.

monitoring of his non-privileged visits, the Registry does not have any incidents to report.

*In relation to written correspondence*

7. Any written correspondence or packages that are sent or received pursuant to regulations 168, 169 and 170 of the RoR are closely monitored in accordance with the relevant regulations and Chamber's decision.<sup>6</sup> The Registry does not have any incidents to report in relation to written correspondence.



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

Dated this 8 March 2022

At The Hague, the Netherlands

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<sup>6</sup> *Ibid.*