



Original : English

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

Date: 24 August 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 NGAÏSSONA***

Public

**Confidential Annexes 2 to 4, 6 to 27, 29 to 39, 41 to 53, 55 and 57 to 58,
Confidential *EX PARTE* Annex 1 only available to the Prosecution,
Confidential *EX PARTE* Annex 5 only available to the Registry,
Confidential *EX PARTE* Annex 28 only available to the Registry Detention Section
and Yekatom Defence,
Confidential *EX PARTE* Annex 40 only available to the Ngaissona Defence, the
Legal Representative for Victims and the Prosecution,
Confidential *EX PARTE* Annexes 54 and 56 only available to the Registry
Detention Section
and
Public Redacted Annexes 1 to 58**

**Eighth Registry Quarterly Report on Decisions issued by way of e-mail from 1
May 2022 to 31 July 2022**

Source : Registry

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Mr Karim A. A. Khan
Mr Mame Mandiaye Niang
Mr Kweku Vanderpuye

Counsel for Alfred Yekatom

Ms Mylène Dimitri
Mr Thomas Hannis

Counsel for Patrice-Edouard Ngaïssona

Mr Geert-Jan Alexander Knoops
Mr Richard Omissé-Namkeamaï
Ms Marie-Hélène Proulx

Legal Representatives of the Victims

Mr Dmytro Suprun
Mr Abdou Dangabo Moussa
Ms Elisabeth Rabesandratana
Mr Yaré Fall
Ms Marie-Edith Douzima-Lawson
Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of 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 Harry Tjonk

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits with the present report and its 58 annexes, confidential and public redacted versions of email decisions (“Report on Email Decisions”) pursuant to the “Initial Directions on the Conduct of the Proceedings” (“Initial Directions”), issued on 26 August 2020 by Trial Chamber V (“Chamber”)¹.
2. Pursuant to the Presiding Judge’s instructions to the Registry dated 13 April 2021, the Registry files the confidential versions simultaneously with the public versions.²

II. Procedural History

3. On 26 August 2020, the Chamber issued the Initial Directions instructing the Registry to file all email decisions on the case record in quarterly reports (“the Registry Reports”) starting 15 September 2020.³
4. The Chamber directed the parties and participants to: a. frame their requests made by email in a way that makes their publicity possible; b. indicate in the email when emails cannot be made public at all.⁴
5. The Presiding Judge clarified in the Initial Directions that emails related to the submission of evidence should not be part of the Reports on e-mail Decisions.⁵

¹ Trial Chamber V, Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, 26 August 2020, para. 76.

² Trial Chamber V Communications email to the Registry CMS, dated 13 April 2021 at 15h45.

³ *Ibid.*

⁴ *Ibid.*, para 78.

⁵ *Ibid.*, footnote 58.

6. On 13 April 2021, the Presiding Judge instructed the Registry to additionally file confidential versions of the Registry Reports and further ordered these confidential versions to be filed simultaneously with the public versions.⁶

III. Level of classification

7. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, some of the annexes are classified as “confidential” and “confidential *ex parte*” because they refer to sensitive information that should not be disclosed to the public.

IV. Applicable law

8. For the purpose of the present submission, the Registry considered articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

V. Submissions

9. In the Initial Directions, the Presiding Judge provided criteria for the application of the redactions to the email decisions. The Registry is instructed *inter alia* to: “[...] apply the following redactions: (i) names of Chambers staff members, where applicable; (ii) names of Registry staff members, if deemed necessary by the Registry; and (iii) any personal email address or other private or personal information. The Registry shall consult the participants on the redactions applied. In case of disagreement, the Chamber will rule.”⁷
10. In order to enable the parties and participants to suggest specific additional redactions, the Registry liaised by way of email with the Office of the Prosecutor (“Prosecution”), the Defence for Mr Yekatom, the Defence for Mr Ngaïssona, the Legal Representatives of Victims for the Former Child Soldiers

⁶ See *supra* note 2.

⁷ *Ibid*, para. 77.

("CLRV1") and the Legal Representatives of Victims of the Other Crimes ("CLRV2").⁸

11. Redaction proposals were received from the parties and participants and subsequently considered by the Registry.⁹

12. Accordingly, the Registry applied redactions to the emails set forth in the following 58 annexes:

- **Annex 1:** RE: Yekatom & Ngaissona Case - OTP requests the appointment of a Rule 74 counsel - P-2475 and P-2582, dated 06 May 2022 at 17:41;
- **Annex 2:** Order shortening deadline to respond to the Prosecution Request ICC-01/14-01/18-1398-Conf, dated 09 May 2022 at 18:37;
- **Annex 3:** RE: Request to extend the page limit of the response to ICC-01/14-01/18-1296, dated 10 May 2022 at 21:34;
- **Annex 4:** Order for Reclassification, dated 10 May 2022 at 21:37;
- **Annex 5:** Order for Reclassification, dated 13 May 2022 at 10:57;
- **Annex 6:** Chamber's order in relation to the appointment of counsel to witness P-0954, dated 16 May 2022 at 13:39;
- **Annex 7:** Hearing tomorrow cancelled, dated 16 May 2022 at 17:58;
- **Annex 8:** Decision on the Prosecution request to reclassify ICC-01/14-01/18-1380-Conf to public, dated 16 May 2022 at 18:29;
- **Annex 9:** Schedule changes July and September 2022, dated 16 May 2022 at 19:17;

⁸ Emails sent by the Court Management Section to the Parties, Participants and the Registry on 02 August 2022 at 17:37, 17:39, 17:49, 17:59, 18:03, 18:05, 18:09, containing confidential and confidential *ex parte* annexes where applicable.

⁹ Emails sent by the Prosecution on 04 August 2022 at 16:55, on 08 August 2022 at 17:35 and 19:38, on 09 August 2022 at 13:47 containing further redactions for annexes 1, 12, 21, 23, 24, 26, 30, 35, 39, 42, 46, 50, 55. Email sent by CLRV1 on 04 August 2022 at 11:36 containing further redactions for annex 49. Email sent by CLRV2 on 03 August 2022 at 18:00 containing further redactions for annexes 46 and 49. Email sent by the Victims and Witness Section on 10 August 2022 at 15:44 containing further redactions for annexes 11, 12 and 23. Email sent by the Detention Section on 19 August at 15:34 containing further redactions for annexes 54 and 56.

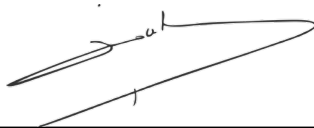
- **Annex 10:** Decision on the Yekatom Defence Request for reclassification of filing ICC-01/14-01/18-1378-Conf, dated 17 May 2022 at 11:23;
- **Annex 11:** Notification of hearing cancellation and Order to provide further update, dated 17 May 2022 at 17:41;
- **Annex 12:** Hearing cancellation 19-23 May 2022, dated 18 May 2022 at 14:58;
- **Annex 13:** Decision on the Yekatom Defence's Request for an Extension of Time to respond to ICC-01/14-01/18-1412-Conf-Corr, dated 19 May 2022 at 10:20;
- **Annex 14:** Decision on the Prosecution's Request for Clarification regarding the Disclosure of Trial Transcripts relative to ICC-01/14-01/18-1129 and ICC-01/14-01/18-1358, dated 19 May 2022 at 10:35;
- **Annex 15:** RE: OTP Additional redactions to P-1811's transcripts, dated 19 May 2022 at 13:18;
- **Annex 16:** Order shortening response deadline to 'Urgent Application for Assurances under Rule 74(3)(c) of the Rules' (1423-Conf), dated 23 May 2022 at 17:11;
- **Annex 17:** CORRIGENDUM: Order shortening response deadline to 'Urgent Application for Assurances under Rule 74(3)(c) of the Rules' (1423-Conf), dated 23 May 2022 at 17:15;
- **Annex 18:** Decision on the Yekatom Reclassification Request for ICC-01/14-01/18-1366-Conf-Exp, dated 23 May 2022 at 18:31;
- **Annex 19:** Decision on 'Urgent Application for Assurances under Rule 74(3)(c) of the Rules' (ICC-01/14-01/18-1423-Conf), dated 23 May 2022 at 18:35;
- **Annex 20:** RE: Request for extensions of deadlines to respond to ICC-01/14-01/18-1416-Conf and ICC-01/14-01/18-1418-Conf, dated 24 May 2022 at 09:48;
- **Annex 21:** Decision on the 'Yekatom Defence Request for leave to add 12 items to its list of material for P-2475', dated 30 May 2022 at 08:53;
- **Annex 22:** Decision on the Yekatom Defence Request for reclassification of filing ICC-01/14-01/18-1341-Conf, dated 01 June 2022 at 12:09;

- **Annex 23:** Decision regarding the appearance of Witness P-0954, dated 01 June 2022 at 12:43;
- **Annex 24:** Order to provide comments regarding witness familiarisation of P-2475, dated 02 June 2022 at 14:02;
- **Annex 25:** Order to reclassify ICC-01/14-01/18-1373-Conf, dated 02 June 2022 at 17:19;
- **Annex 26:** Second order in relation to P-2475's witness familiarisation, dated 06 June 2022 at 10:27;
- **Annex 27:** Decision on the Yekatom Defence Request for recordings containing non-distorted voice of P-2475, dated 14 June 2022 at 18:07;
- **Annex 28:** Chamber's guidance in relation to the Registry's request for clarification regarding order on provision of transcript, dated 14 June 2022 at 18:37;
- **Annex 29:** Amended schedule on 23 June 2022, dated 15 June 2022 at 16:31;
- **Annex 30:** Order to file observations to the Yekatom Defence's request ICC-01/14-01/18-1451 on the record, dated 16 June 2022 at 14:51;
- **Annex 31:** RE: Defence request for an extension of time pursuant to regulation 35(2) - ICC-01/14-01/18-1450-Conf, dated 16 June 2022 at 16:27;
- **Annex 32:** Decision on the Ngaïssona Defence Request to allow remote attendance for Associate Counsel Omissé-Namkeamaï, dated 16 June 2022 at 17:59;
- **Annex 33:** Decision amending the hearing schedule on Mondays (until further notice), dated 17 June 2022 at 14:49;
- **Annex 34:** Order to reclassify ICC-01/14-01/18-1245-Conf-Corr-Anx, dated 17 June 2022 at 15:06;
- **Annex 35:** Order in relation to the appearance and summons of P-0954, dated 18 June 2022 at 13:15;
- **Annex 36:** Order shortening response deadline to 'Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-2556', dated 20 June 2022 at 10:32;

- **Annex 37:** Hearing cancellation 30 June - 1 July 2022, dated 20 June 2022 at 14:12;
- **Annex 38:** RE: Request regarding P-1962's binder, dated 22 June 2022 at 15:36;
- **Annex 39:** Decision on Prosecution Urgent Request regarding P-1719, dated 23 June 2022 at 12:03;
- **Annex 40:** Decision on the Ngaïssona Defence Request to extend the page limit of the response to ICC-01/14-01/18-1450-Conf, dated 24 June 2022 at 10:45;
- **Annex 41:** Decision on the Prosecution's Reclassification Request regarding ICC-01/14-01/18-1016-Conf-Exp, dated 28 June 2022 at 16:13;
- **Annex 42:** Order to provide observations on the Prosecution's reconsideration requests regarding protective measures for P-2556 and P-1077, dated 29 June 2022 at 10:21;
- **Annex 43:** Directions to the Registry regarding the appointment of counsel pursuant to Rule 74, dated 29 June 2022 at 15:42;
- **Annex 44:** Hearing cancellation, dated 01 July 2022 at 15:19;
- **Annex 45:** Decision on the Ngaïssona Defence Request for Leave to Add two documents to the List of Material - P-1719, dated 01 July 2022 at 16:20;
- **Annex 46:** Decision on the CLRV Request concerning P-2353's Testimony, dated 05 July 2022 at 11:48;
- **Annex 47:** Additional hearing days - August/September 2022, dated 08 July 2022 at 12:25;
- **Annex 48:** RE: Ngaïssona Defence Request for Leave to Add Six Documents to the List of Material - P-1719, dated 13 July 2022 at 09:05;
- **Annex 49:** Decision on CLR1 Request to allow remote attendance for Lead Counsel, dated 13 July 2022 at 18:00;
- **Annex 50:** Order shortening deadline to respond to Prosecution Request ICC-01/14-01/18-1512-Conf, dated 15 July 2022 at 09:45;
- **Annex 51:** Decision on Certain Items in the Prosecution's List of Materials for P-2556, dated 18 July 2022 at 08:57;

- **Annex 52:** Suspension of deadlines during the recess, dated 19 July 2022 at 10:45;
- **Annex 53:** Yekatom Defence's observations ICC-01/14-01/18-1509-Conf, dated 20 July 2022 at 14:18;
- **Annex 54:** Notification of potential concern, dated 21 July 2022 at 14:57;
- **Annex 55:** Decision on Contested Redactions to the Lesser Redacted Version of P-1521's Transcripts, dated 22 July 2022 at 14:57;
- **Annex 56:** Decision on Registry communication of further incident, dated 22 July 2022 at 16:51;
- **Annex 57:** Decision on Registry Notification of a Potential Concern regarding a Funded Family Visit to Mr Ngaïssona, dated 27 July 2022 at 09:47;
- **Annex 58:** Order on the Ngaïssona Defence Request for Reconsideration regarding the 'Decision on Registry Notification of a Potential Concern regarding a Funded Family Visit to Mr Ngaïssona, dated 28 July 2022 at 16:37;

13. In addition, the Registry simultaneously submits the 58 annexes listed above in their confidential version and confidential *ex parte* version where applicable.



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

Dated this 24 August 2022

At The Hague, The Netherlands