



Original : English

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

Date: 13 January 2023

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 with

Confidential Annexes 7, 11, 14, 16 to 23, 25 to 30, 32 to 34, 36, 38 to 57,
Confidential *EX PARTE* Annex 1 only available to the Yekatom Defence,
Confidential *EX PARTE* Annexes 2, 8 and 10 only available to the Prosecution,
Confidential *EX PARTE* Annexes 3 and 9 only available to the Prosecution and the Witnesses
and Victims Section,
Confidential *EX PARTE* Annex 4 only available to the Prosecution and the Registry,
Confidential *EX PARTE* Annex 5 only available to the Prosecution and Detention Section,
Confidential *EX PARTE* Annexes 6 and 13 only available to the Registry,
Confidential *EX PARTE* Annexes 12 and 15 only available to the Detention Section
Confidential *EX PARTE* Annex 24 only available to the Prosecution, the Ngaïssona Defence and
Detention Section,
Confidential *EX PARTE* Annex 31 only available to the Prosecution, the Yekatom Defence and
Detention Section,
Confidential *EX PARTE* Annex 35 only available to the Registry,
Confidential *EX PARTE* Annex 37 only available to the Prosecution and the Yekatom Defence,
Confidential *EX PARTE* Annex 58 only available to the Prosecution and the Ngaïssona Defence,
and
Public Redacted Annexes 1 to 12 and 14 to 58

Ninth Registry Quarterly Report on Decisions issued by way of e-mail from 1 August
2022 to 31 October 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 Anta Guissé

Counsel for Patrice-Edouard Ngaïssona

Mr Geert-Jan Alexander Knoop
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

⁶ See *supra* note 2.

⁷ *Ibid*, para. 77.

Legal Representatives of Victims for the Former Child Soldiers (“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 emails set forth in the following 57 annexes:

- **Annex 1:** Decision on the Yekatom Defence Request for Reclassification for ICC-01/14-01/18-1492-Conf-Exp, dated 02 August 2022 at 15:41;
- **Annex 2:** FW: The Prosecutor v. Alfred Yekatom & Patrice-Edouard Ngaïssona: ICC-01/14-01/18-1536-Conf-Red - Confidential redacted version of “Sixth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Trial Chamber V”, dated 03 August 2022 at 12:38;
- **Annex 3:** Order on Prosecution Request to Contact P-0954 after Familiarisation, dated 04 August 2022 at 16:55;
- **Annex 4:** Order on the Prosecution Request for Further Information from Registry concerning the Sixth Report on Implementation of Restrictions on Contact of Mr Ngaïssona, dated 05 August 2022 at 09:43;

⁸ Emails sent by the Court Management Section to the Parties, Participants and the Registry on 08 December 2022 at 12:24, 12:26, 12:30, 12:32, 12:35, 12:39, 12:42, 12:45, 12:47, 12:49, 12:53, 12:57 and on 14 December 2022 at 16:51, containing confidential and confidential *ex parte* annexes where applicable.

⁹ Emails sent by the Prosecution on 13 December 2022 at 14:29, on 14 December 2022 at 10:05, 10:08, 10:11, 11:59, 16:09, 16:19, 17:35 and 19:38 containing further redactions for annexes 2, 3, 5, 7, 8, 9, 10, 14, 16, 17, 18, 19, 22, 23, 27, 28, 29, 38, 39, 40, 48, 50, 51, 52, 54, 55, 56, 58. Email sent by the Defence for Mr Yekatom on 12 December 2022 at 18:44 containing further redactions for annexes 1, 7, 16, 17, 23, 55 and 56. Email sent by the Defence for Mr Ngaïssona on 12 December 2022 at 12:10 containing further redactions for annexes 23 and 53. Email sent by CLRV1 on 13 December 2022 at 16:10 containing further redactions for annexes 23, 55 and 56. Email sent by the Registry Witnesses and Victims Section on 15 December 2022 at 15:29 containing further redactions for annex 29. Email sent by the Detention Section on 13 December 2022 at 14:19 containing further redactions for annexes 11 and 12. Email sent by the External Operations Support Section on 28 December 2022 containing further redactions for annex 6 and the Chamber’s Decision on the Registry request for authorisation not to file public redacted version of Annex 13 dated 21 December 2022 at 15:27.

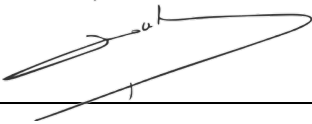
- **Annex 5:** RE: Order on the Prosecution Request for Further Information from Registry concerning the Sixth Report on Implementation of Restrictions on Contact of Mr Ngaïssona, dated 05 August 2022 at 12:31;
- **Annex 6:** Decision on Registry Request for Authorisation to Sign Assurances, dated 08 August 2022 at 09:28;
- **Annex 7:** Decision on the Yekatom Defence Request to Proceed in Absence of Counsel on 31 August 2022, dated 08 August 2022 at 17:28;
- **Annex 8:** RE: Order on the Prosecution Request for Further Information from Registry concerning the Sixth Report on Implementation of Restrictions on Contact of Mr Ngaïssona, dated 10 August 2022 at 11:04;
- **Annex 9:** Decision on Prosecution Request to Contact P-0954 after Familiarisation, dated 10 August 2022 at 17:02;
- **Annex 10:** Order on Prosecution Request for Clarification regarding the Registry's Sixth Report on Implementation of Restrictions on Contact of Mr Ngaïssona, dated 10 August 2022 at 17:08;
- **Annex 11:** Decision 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 10 August 2022 at 17:29;
- **Annex 12:** Decision on Registry Notification of Potential Concern regarding the Restrictions on Contact of Mr Yekatom, dated 10 August 2022 at 17:34;
- **Annex 13:** Chamber's Directions on the Registry's Request for Guidance regarding PTC II's Decision pursuant to Article 57(3)(e) of the Statute" (ICC-01/14-01/18-107-US-Exp), dated 17 August 2022 at 17:36;
- **Annex 14:** Chamber Decision on the Ngaïssona Defence Request for Leave to Communicate a Lesser Redacted Version of ICC-01/14-01/18-1540-Conf-Red, dated 17 August 2022 at 17:54;
- **Annex 15:** Decision on the Registry request to maintain current classification of email decisions, dated 18 August 2022 at 17:32;

- **Annex 16:** Decision following notification of confidential redacted version of Decision on the Yekatom Defence Request for Cooperation from Ireland, dated 22 August 2022 at 09:26;
- **Annex 17:** Hearing schedule on Mondays, dated 24 August 2022 at 18:17;
- **Annex 18:** Directions in relation to the Ngaïssona Defence's Email regarding Late Disclosure of Material Related to P-1077, dated 26 August 2022 at 18:04;
- **Annex 19:** Decision on the Ngaïssona Defence Request to add an Item to its List of Materials for P-1077, dated 30 August 2022 at 09:16;
- **Annex 20:** RE: Response to ICC-01/14-01/18-1562-Conf, dated 31 August 2022 at 18:15;
- **Annex 21:** Evidentiary blocks January - July 2023, dated 31 August 2022 at 18:43;
- **Annex 22:** Decision on the Yekatom Defence Request regarding VWU's Outcome Vulnerability Assessment of P-1339, dated 31 August 2022 at 18:51;
- **Annex 23:** Decision on 'Urgent Application for Assurances under Rule 74' (ICC-01/14-01/18-1562-Conf), dated 01 September 2022 at 09:48;
- **Annex 24:** Order to provide transcripts of reported incidents in the Sixth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona, dated 01 September 2022 at 18:20;
- **Annex 25:** Decision on the Yekatom Defence request for a VWU report on its interactions with P-1339, dated 05 September at 17:31;
- **Annex 26:** Order Clarifying Deadline in Decision ICC-01/14-01/18-1566, dated 06 September 2022 at 14:15;
- **Annex 27:** Decision on the Yekatom Defence Request for leave to add two items to its list of material for P-1339, dated 12 September 2022 at 09:32;
- **Annex 28:** Directions regarding the testimony of P-1558, dated 19 September 2022 at 09:51;
- **Annex 29:** Dissemination of information provided by the VWU regarding P-1042's statement reading, dated 20 September 2022 at 16:42;
- **Annex 30:** Order to provide assessment on in-court protective measures for P-2419, dated 22 September 2022 at 10:24;

- **Annex 31:** Order on proposed agreement regarding Mr Yekatom's contact restrictions, dated 26 September 2022 at 11:06;
- **Annex 32:** Decision on the Registry's Request for reclassification of ICC-01/14-01/18-1565-Conf-Exp to public, dated 27 September 2022 at 13:54;
- **Annex 33:** Decision on CLRV1 Request for Reclassification of ICC-01/14-01/18-1323-Conf to Public, dated 27 September 2022 at 14:33;
- **Annex 34:** Order shortening response deadlines to the Yekatom Defence's Request ICC-01/14-01/18-1584-Conf+ Conf-AnxA and Red and order to the VWU to provide observations, dated 27 September 2022 at 17:15;
- **Annex 35:** Direction regarding ecourt protocol - notice of additional technical possibilities, dated 29 September 2022 at 11:35;
- **Annex 36:** Decision to reclassify ICC-01/14-01/18-1301-Conf to public, dated 29 September 2022 at 18:23;
- **Annex 37:** Order to Reclassify ICC-01/14-01/18-1549-Conf-Exp, dated 30 September 2022 at 09:52;
- **Annex 38:** Order shortening deadline to respond to Application ICC-01/14-01/18-1599-Conf, dated 07 October 2022 at 15:31;
- **Annex 39:** Order shortening the deadline for responses to the Yekatom Defence's Urgent request for access to evidentiary materials in possession of the Office of the Prosecutor, dated 11 October 2022 at 11:23;
- **Annex 40:** Order to assign counsel to P-2625, dated 13 October 2022 at 11:24;
- **Annex 41:** Decision on the Yekatom Defence Request for extension of deadline to respond to 1595-Conf, dated 13 October 2022 at 13:06;
- **Annex 42:** Decision on the Ngaïssona Defence's Request to preclude the Prosecution from Filing Further Requests to Add Items to its List of Evidence and Further Directions to the Prosecution, dated 14 October 2022 at 10:11;
- **Annex 43:** Decision on the VWU request to reclassify filing ICC-01/14-01/18-1600-Conf, dated 14 October 2022 at 10:31;
- **Annex 44:** Decision on the VWU request to reclassify filing annex ICC-01/14-01/18-1600-Conf-Anx1, dated 14 October 2022 at 12:29;

- **Annex 45:** Decision on the Ngaïssona Defence Request for Further Directions on the Contact Protocol; dated 14 October 2022 at 16:38;
- **Annex 46:** Directions regarding the hearings of P-0954 and P-2625 and cancellation of hearings, dated 16 October 2022 at 14:06;
- **Annex 47:** Decision on the Prosecution request to reclassify filing ICC-01/14-01/18-1609-Conf, dated 18 October 2022 at 17:31;
- **Annex 48:** Decision on Ngaïssona Defence Request for Remote Attendance of Counsel Omissé-Namkeamaï, dated 19 October 2022 at 16:15;
- **Annex 49:** Amended hearing schedule 27 October 2022, dated 20 October 2022 at 18:01;
- **Annex 50:** Decision on the Yekatom Defence Request for Leave to Add Items to its List of Materials for P-0954, dated 24 October 2022 at 08:59;
- **Annex 51:** Clarification concerning ICC-01/14-01/18-1626-Conf - Re. P-1839, dated 24 October 2022 at 09:01;
- **Annex 52:** Decision on the Yekatom Defence Response to the Prosecution Request concerning Clarification of Decision ICC-01/14-01/18-1626-Conf - Re. P-1839, dated 24 October 2022 at 11:52;
- **Annex 53:** Decision on the Ngaïssona Defence's request for leave to add two items in its List of Materials for P-0954, dated 25 October 2022 at 09:09;
- **Annex 54:** Urgent directions regarding the testimony of P-0954 on 21 October 2022, dated 26 October 2022 at 09:01;
- **Annex 55:** Decision on the Yekatom Defence's request to add items to its list of material for the examination of P-1839, dated 28 October 2022 at 12:16;
- **Annex 56:** Decision on the Yekatom Defence second request to add items to its list of material for the examination of P-1839, dated 31 October 2022 at 10:23;
- **Annex 57:** Order for the VWU to provide assessment on witness's security situation, dated 31 October 2022 at 18:24; and
- **Annex 58:** RE: CONFIDENTIAL - Contacts with witness, dated 19 October 2022 at 19:46.

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 13 January 2023

At The Hague, The Netherlands