



Original : English

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

Date: 23 February 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 1 to 9, 11 to 21, 23 to 35, 37 to 40, 42 to 50, 52 to 53,
Confidential *EX PARTE* Annex 10 only available to the Prosecution,
Confidential *EX PARTE* Annex 22, 36 and 41 only available to the Registry,
Confidential *EX PARTE* Annex 51 and 54 only available to the Prosecution, the Ngaïssona
Defence, Yekatom Defence and VPRS,
and
Public Redacted Annexes 1 to 35 and 37 to 54

**Tenth Registry Quarterly Report on Decisions issued by way of e-mail from 1
November 2022 to 31 January 2023**

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 Knoops
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

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. Introduction

1. The Registry submits with the present report and its 54 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 15:45.

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 23bis(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 *inter alia* instructed 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 54 annexes:

- **Annex 1:** Order to Provide Assessments on In-Court Protective Measures for P-2419 and P-1786, dated 01 November 2022 at 10:01;
- **Annex 2:** Decision on the Ngaïssona Defence Request for leave to add two documents to P-1839 List of Materials, dated 02 November 2022 at 13:07;
- **Annex 3:** Order to reclassify ICC-01/14-01/18-1508-Conf-Exp and its annexes, dated 02 November 2022 at 14:47;
- **Annex 4:** Order to Provide Assessment on In-Court Protective Measures for P-1858, dated 03 November 2022 at 16:21;
- **Annex 5:** Decision on Contested Redactions to the Lesser Redacted Version of P-1719's Transcript, dated 04 November 2022 at 17:55;

⁸ Emails sent by the Court Management Section to the Parties, Participants and the Registry on 06 February 2023 at 12:24, 12:27, 12:32, 12:35, 12:41, containing confidential and confidential *ex parte* annexes where applicable.

⁹ Emails sent by the Prosecution on 09 February 2023 at 09:09, 09:13, 09:14 and 18:00 containing further redactions for annexes 5, 6, 10, 26, 38, 42, 45, 51, 52, 53, 54. Email sent by the Defence for Mr Ngaïssona on 09 February 2023 at 12:39 containing further redactions for annexes 29, 32, 35 and 42. Email sent by the Defence for Mr Yekatom on 07 February 2023 at 09:50 containing further redactions for annex 51. Email sent by the Registry Witnesses and Victims Section on 07 February 2023 at 11:19 containing further redactions for annexes 9, 19 and 20. Email sent by the Registry VPRS on 07 February 2023 at 14:22 containing further redactions for annexes 51 and 54. Email sent by the Registry Office of the Director of Division of Judicial Services on 06 February 2023 at 17:37 containing further redactions for annex 41 and email sent on 07 February 2023 at 14:13 to the Chamber for a request for authorization not to file public redacted version of Annex 36.

- **Annex 6:** Directions in relation to the Ngaïssona Defence's second email pertaining to the Adding of items to the Prosecution's List of Evidence, dated 07 November 2022 at 11:27;
- **Annex 7:** Directions recalling the Decision Adopting Additional Directions regarding Statement Corrections during Witness Familiarisation, dated 16 November 2022 at 16:06;
- **Annex 8:** Amended hearing schedule 24 November 2022, dated 17 November 2022 at 15:54;
- **Annex 9:** Decision on the VWU Request for extension of deadline to provide assessment on witness's security situation, dated 18 November 2022 at 17:40;
- **Annex 10:** Directions in response to the Prosecution's report of a potential exposure of P-0954 as trial witness to P-0888, dated 21 November 2022 at 12:32;
- **Annex 11:** Hearing cancellation 10-11 July 2023, dated 22 November 2022 at 17:35;
- **Annex 12:** Decision on the VWU clarification request concerning application of the Witness Familiarisation Protocol to P-2625, dated 24 November 2022 at 09:15;
- **Annex 13:** Order to the Ngaïssona Defence to provide further information with regard to request ICC-01/14-01/18-1623-Conf, dated 24 November 2022 at 12:59;
- **Annex 14:** Decision on the Yekatom Defence Urgent Request for leave to add one document to P-1528 List of Materials, dated 24 November 2022 at 14:15;
- **Annex 15:** Cancellation of hearing tomorrow, dated 28 November 2022 at 21:26;
- **Annex 16:** Decision on the CLRV2 Request to Inform Witness P-2419 of the Possibility to Request Leave to Participate in the Proceedings as a Victim, dated 29 November 2022 at 10:48;

- **Annex 17:** Decision on the Ngaïssona Defence's Request for remote attendance via video-link on 1-2 December 2022, dated 30 November 2022 at 20:40;
- **Annex 18:** Decision on the VWU Request to Extend Deadline of Assessment on In-Court Protective Measures for P-1858, dated 01 December 2022 at 09:43;
- **Annex 19:** Decision concerning new information by the VWU on assessment on witness's security situation, dated 01 December 2022 at 10:03;
- **Annex 20:** Decision on the VWU Request to Extend Deadline of Assessment on In-Court Protective Measures for P-1858 – Corrigendum, dated 01 December 2022 at 11:56;
- **Annex 21:** Order shortening the deadline to respond to the Urgent Joint Defence Motion for an Adjournment and for a Suspension of Deadlines, ICC-01/14-01/18-1682+Conf-AnxA, dated 01 December 2022 at 14:33;
- **Annex 22:** RE: For the attention of the Chamber in relation to the Urgent Joint Defence Motion for an Adjournment and for a Suspension of Deadlines, dated 02 December 2022 at 09:46;
- **Annex 23:** Order shortening the deadline to respond to Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487, ICC-01/14-01/18-1683-Conf, dated 02 December 2022 at 12:26;
- **Annex 24:** Decision on the CLRV2 Request to Inform Witness P-1823 of the Possibility to Request to Participate in the Proceedings as a Victim, dated 02 December 2022 at 14:41;
- **Annex 25:** Hearing cancellation 20 January 2023, dated 02 December 2022 at 14:54;
- **Annex 26:** Decision on the Requête aux fins d'obtention de garanties de non-incrimination au profit de P-0487, ICC-01/14-01/18-1683-Conf, dated 02 December 2022 at 16:23;

- **Annex 27:** Decision on the Ngaïssona Defence Request following the Chamber's Decision on the VWU clarification request concerning application of the Witness Familiarisation Protocol to P-2625, dated 02 December 2022 at 17:08;
- **Annex 28:** Decision on the CLRV Request to establish a procedure aiming at informing witnesses about the possibility to apply to participate in the proceedings as victims, dated 05 December 2022 at 14:24;
- **Annex 29:** Directions on the schedule of the current evidentiary block, dated 05 December 2022 at 18:12;
- **Annex 30:** Decision Inviting the Registry to Submit Observations on the Joint Defence Request for Review of the Registrar's 24 November 2022 Decision, ICC-01/14-01/18-1688, dated 06 December 2022 at 17:05;
- **Annex 31:** Order amending the VWU's deadline to provide its assessment on In-Court Protective Measures for P-1858, dated 06 December 2022 at 17:47;
- **Annex 32:** Directions regarding the schedule of block 17 and Mr Ngaïssona's attendance in court, dated 08 December 2022 19:52;
- **Annex 33:** Hearing cancellation 25 May 2023, dated 09 December 2022 at 10:56;
- **Annex 34:** Decision on the Ngaïssona Defence's Request for reclassification of filing ICC-01/14-01/18-1623-Conf, dated 12 December 2022 at 15:06;
- **Annex 35:** Further Directions regarding the Schedule of Block 17, dated 12 December 2022 15:47;
- **Annex 36:** Decision on the Registry's Request for Authorisation to Apply Further Redactions before Transmission of a Decision to Mr Ngaïssona, dated 13 December 2022 at 10:21;¹⁰

¹⁰ Email sent by Trial Chamber V on 08 February 2023 at 15:02, Decision on Registry Request not to File a Public Redacted Version of an Email related to ICC-01/14-01/18-107-US-Exp. The Chamber granted the request noting the current classification level of the related decision.

- **Annex 37:** Suspension of deadlines during the recess, dated 13 December 2022 at 10:39;
- **Annex 38:** Decision on the Yekatom Defence Request for Report of Communications with the Government of Ireland following Decision ICC-01/14-01/18-1531-Conf-Exp, dated 16 December 2022 at 10:11;
- **Annex 39:** Decision on the Ngaïssona and Yekatom Defence's requests for an extension of time to respond to the Prosecution's Request ICC-01/14-01/18-1702-Conf, dated 20 December 2022 at 13:03;
- **Annex 40:** Order to reclassify ICC-01/14-01/18-739-Conf-Exp to confidential, dated 21 December 2022 at 13:56;
- **Annex 41:** Email - Request of Ireland.pdf; Email - FOA.pdf, dated 21 December 2022 at 15:27;
- **Annex 42:** Decision on the Ngaïssona Defence request concerning cooperation request in decision -1159, dated 09 January 2023 at 14:37;
- **Annex 43:** Order amending the VWU's deadline to provide its assessment on In-Court Protective Measures for P-1786, dated 12 January 2023 at 11:58;
- **Annex 44:** Amended hearing schedule 16 January 2023, dated 13 January 2023 at 16:45;
- **Annex 45:** Decision on the Yekatom Defence Request to Order the Detention Centre to Facilitate the Visit Mr. Albert Junior Yekatom all day on 20 Friday January, dated 13 January 2023 at 17:41;
- **Annex 46:** Decision on the Request for clarification with respect to the mandate of counsel for P-2625, dated 17 January 2023 at 09:34;
- **Annex 47:** Second Decision on the Request for clarification with respect to the mandate of counsel for P-2625, dated 17 January 2023 at 12:30;

- **Annex 48:** Decision on the Ngaïssona Defence Request for leave to add eight documents to P-2625's list of materials, dated 18 January 2023 at 09:30;
- **Annex 49:** Order for Registry Observations on ICC-01/14-01/18-1725-Conf-Exp/Red, dated 18 January 2023 at 15:50;
- **Annex 50:** Cancellation of last session on 2 February 2023, dated 19 January 2023 at 15:33;
- **Annex 51:** Order to provide observations on the Yekatom Defence request ICC-01/14-01/18-1728-Conf-Exp-Red, dated 20 January 2023 at 11:13;
- **Annex 52:** Decision on Contested Redactions to the Lesser Redacted Version of P-0475's Transcripts, dated 27 January 2023 at 17:22;
- **Annex 53:** Decision on the Urgent Yekatom Defence Request for extension of time to respond to Prosecution's Request ICC-01/14-01/18-1702-Conf, dated 27 January 2023 at 17:35; and
- **Annex 54:** Order to Reclassify filing ICC-01/14-01/18-1737-Conf, dated 31 January 2023 at 08:46.

13. In addition, the Registry simultaneously submits the 54 annexes listed above in their confidential version and confidential *ex parte* version where applicable.

p.p. 

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

Dated this 23 February 2023

At The Hague, The Netherlands