



Original : English

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

Date: 25 May 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 3, 6 to 18, 20 to 24, 26 to 27, 29 to 35, 38,
Confidential *EX PARTE* Annexes 4, 5 and 19 only available to the Registry,
Confidential *EX PARTE* Annexes 25 and 28 only available to the Yekatom Defence,
Confidential *EX PARTE* Annex 36 only available to the Prosecution, Yekatom Defence and
the Registry,
Confidential *EX PARTE* Annex 37 only available to the Ngaïssona Defence,
and
Public Redacted Annexes 1 to 18, 20 to 24, 26 to 27, 29 to 38

Eleventh Registry Quarterly Report on Decisions issued by way of e-mail from 1
February to 30 April 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 Osvaldo Zavala Giler

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 38 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 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 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 emails set forth in the following annexes:

- **Annex 1:** Order to Reclassify Annexes I-IV of filing ICC-01/14-01/18-1719-Conf-Exp, dated 01 February 2023 at 15:08;
- **Annex 2:** Directions regarding the Prosecution's Request to Grant Mr Mokom Access to Certain Transcripts in the Yekatom and Ngaïssona Case, dated 03 February 2023 at 17:49;
- **Annex 3:** Decision on the Ngaïssona Defence's Requests for reclassification of transcript T-184-CONF, dated 08 February 2023 at 11:54;
- **Annex 4:** Decision on Registry Request not to File a Public Redacted Version of an Email related to ICC-01/14-01/18-107-US-Exp, dated 08 February 2023 at 15:02;
- **Annex 5:** Order regarding the 'complement de declaration' provided by P-0487 to the VWU, dated 10 February 2023 at 14:53;
- **Annex 6:** Order concerning the 'Report of legal Adviser to witness P-0487 Pursuant to Rule 74 of the Rules', ICC-01/14-01/18-1751-Conf-Exp, dated 14 February 2023 at 14:11;

⁸ Emails sent by the Court Management Section to the Parties, Participants and the Registry on 15 May 2023 at 12:48, 12:52, 12:59, 13:01, 13:24, 13:34 and 13:36 containing confidential and confidential *ex parte* annexes where applicable.

⁹ Email sent by the Prosecution on 19 May 2023 at 10:54 containing further redactions for annexes 7, 9, 10, 11, 12, 18, 21, 32, 33 and 34. Email sent by the Defence for Mr Yekatom on 17 May 2023 at 13:19 and 13:48 containing further redactions for annexes 7, 9 and 36. Email sent by the Defence for Mr Ngaïssona on 15 May 2023 at 17:50 and 18:01 containing further redactions for annexes 18, 33, 34, 37 and 38. Email sent by the Registry on 15 May 2023 at 14:19 containing further redactions for annex 4.

- **Annex 7:** Decision on the Yekatom Defence Urgent Request for Order in Relation to P-0967, dated 14 February 2023 at 17:57;
- **Annex 8:** Decision on the Yekatom Defence's Request for a Registry Report in relation to P-0487's addition to Witness Statement, dated 15 February 2023 at 14:18;
- **Annex 9:** Decision on the Defence's requests to reject the placing of a shield in the courtroom for P-0487's testimony, dated 15 February 2023 at 14:22;
- **Annex 10:** Decision on the 'Report of legal Adviser to witness P-0487 Pursuant to Rule 74 of the Rules', ICC-01/14-01/18-1751-Conf-Exp, dated 15 February 2023 at 15:49;
- **Annex 11:** Second Decision on the Ngaïssona Defence's Requests for reclassification of transcript T-184-CONF, dated 17 February 2023 at 10:26;
- **Annex 12:** Y/N - Decision on the CLLRV2 request concerning P-2354's testimony, dated 21 February 2023 at 15:49;
- **Annex 13:** Order shortening deadlines to respond to the Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-2082, dated 23 February 2023 at 14:46;
- **Annex 14:** Decision on the CLRV Request Following Decision No. ICC-01/14-01/18-1744, dated 27 February 2023 at 12:06;
- **Annex 15:** Decision on the Request for reclassification of filing ICC-01/14-01/18-1674-Conf, dated 28 February 2023 at 16:21;
- **Annex 16:** Amendments to the evidentiary blocks in May and July 2023, dated 01 March 2023 at 15:12;
- **Annex 17:** Order for the Registry to Provide Observations on Filing ICC-01/14-01/18-1702-Conf, dated 07 March 2023 at 15:18;

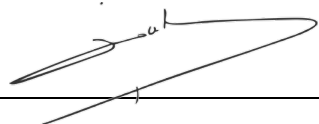
- **Annex 18:** Decision on the Ngaïssona Defence Reconsideration Request of Decision on the Request for reclassification of filing ICC-01/14-01/18-1674-Conf, dated 09 March 2023 at 13:33;
- **Annex 19:** Order on Registry communication on active monitoring of Mr Yekatom, dated 10 March 2023 at 11:38;¹⁰
- **Annex 20:** Decision on the CLRV2 Request to Inform Witness P-1705 of the Possibility to Request to Participate in the Proceedings as a Victim, dated 16 March 2023 at 09:56;
- **Annex 21:** Decision on the Joint Defence Request for a Registry Report on P-2269's Prospective Appearance, dated 16 March 2023 at 13:30;
- **Annex 22:** Order for the Prosecution to Provide Observations on ICC-01/14-01/18-1771-Conf-Exp and Red, dated 20 March 2023 at 18:49;
- **Annex 23:** Decision on the Yekatom Defence Request to Add Items to its List of Materials, dated 21 March 2023 at 09:45;
- **Annex 24:** Order on Registry communication on active monitoring of Mr Yekatom - CONF-RED VERSION, dated 21 March 2023 at 13:34;
- **Annex 25:** Decision on Yekatom Defence Request for excusal from the hearing on 29 March 2023, dated 27 March 2023 at 15:38;¹¹
- **Annex 26:** Order to file further observations in relation to Prosecution request ICC-01/14-01/18-1702-Conf, dated 28 March 2023 at 11:19;
- **Annex 27:** Amendment to the Schedule in July 2023 and Scheduling of Evidentiary Blocks in August-September 2023, dated 30 March 2023 at 15:00;

¹⁰ The Chamber noted the nature and content of the decision and issued a redacted version of it on 21 March 2023 at 13:34, see Annex 24.

¹¹ Email sent by Trial Chamber V on 31 March 2023 at 11:15, The Chamber grants the Yekatom Defence's request not to share the *ex parte* version of the email decision, see Annex 28.

- **Annex 28:** Decision on the Yekatom Defence Request not to share or publicly release *ex parte* request for excusal from the hearing on 29 March 2023, dated 31 March 2023 at 11:15;
- **Annex 29:** Order to reclassify filings ICC-01/14-01/18-836-Conf, ICC-01/14-01/18-794-Conf-AnxA-Corr-Anx and ICC-01/14-01/18-1806-Conf, dated 13 April 2023 at 16:00;
- **Annex 30:** Hearing cancellation 2 June 2023, dated 18 April 2023 at 09:14;
- **Annex 31:** Decision on the Yekatom Defence Request for Leave to Add 4 Items to its List of Materials for P-2018, dated 18 April 2023 at 11:04;
- **Annex 32:** Order to reclassify filing ICC-01/14-01/18-1750-Conf-Red, dated 20 April 2023 at 17:37;
- **Annex 33:** Decision on the Ngaïssona Defence request to proceed in absence of counsel on 24 April 2023, dated 24 April 2023 at 09:15;
- **Annex 34:** Order to file confidential redacted version of filing ICC-01/14-01/18-1844-Conf-Exp, dated 24 April 2023 at 11:08;
- **Annex 35:** Order on VPRS request of 19 April 2023 in relation to information provided by VPRS, dated 24 April 2023 at 11:35;
- **Annex 36:** Order for Registry observations on confidential redacted version of Yekatom Defence request regarding Decision ICC-01/14-01/18-1830-Conf-Exp, dated 24 April 2023 at 13:18;
- **Annex 37:** Order to share with participants communication concerning order to file confidential redacted version of filing ICC-01/14-01/18-1844-Conf-Exp, dated 25 April 2023 at 12:52; and
- **Annex 38:** Clarifications concerning the Order to file confidential redacted version of filing ICC-01/14-01/18-1844-Conf-Exp, dated 26 April 2023 at 12:13.

13. In addition, the Registry simultaneously submits the 38 annexes listed above in their confidential version and confidential *ex parte* version where applicable.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 25 May 2023

At The Hague, The Netherlands