



Original: **English**

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

Date: **21 August 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 *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public

**Public redacted version of “Prosecution's response to “Defence Request to
Exceptionally Amend Mr Ngaïssona’s Restrictions on Contacts and
Communications in Detention” (ICC-01/14-01/18-1995-Conf-Exp)”,
ICC-01/14-01/18-2009-Conf-Exp, 28 July 2023**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Other

I. SUBMISSIONS

1. The Prosecution defers to Trial Chamber V's discretion ("Chamber") regarding NGAISSONA's request to temporarily lift the current active monitoring order on in-person communications between NGAISSONA and [REDACTED] for the duration of their planned family visit ("Request").¹

2. However, [REDACTED],² as well as NGAISSONA's prior failures to comply with the Court's restrictions on contact while in detention,³ are factors worthy of the Chamber's careful consideration. Accordingly, the Prosecution considers that the Registry should be directed to implement meaningful monitoring mechanisms during the relevant period to any extent that it can. This would appropriately balance NGAISSONA's interests in preserving his family ties against the Court's compelling and countervailing duty to protect victims and witnesses, and ensure the integrity of the proceedings and the ongoing trial.⁴

¹ ICC-01/14-01/18-1995-Conf-Exp, para. 1.

² ICC-01/14-01/18-1971-Conf, paras. 34-36, 39-41, 59-63. *See also*, CAR-OTP-00000071, CAR-OTP-00001430.

³ *See* ICC-01/14-01/18-453-Conf-Exp, paras. 1-7; ICC-01/14-01/18-413-Conf-Exp, paras. 82-84; ICC-01/14-01/18-1536-Conf-Red; and ICC-01/14-01/18-1540-Conf-Red. *See also*, email from the Chamber on 27 July 2022, at 09:47, "[REDACTED]", (noting that, "[REDACTED]").

⁴ ICC-01/14-01/18-1863-Conf-Exp, para. 10.

II. CONFIDENTIALITY

3. Pursuant to regulation 23*bis*(2) of the Regulations of the Court ("RoC"), this document is filed as "Confidential EX PARTE", as it refers to filings and decisions of the same classification.

A handwritten signature in blue ink, consisting of a stylized 'K' followed by a horizontal line and a dot.

Karim A. A. Khan KC, Prosecutor

Dated this 21st day of August 2023

At The Hague, The Netherlands