



Original : English

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

Date: 25 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

***THE PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-EDOUARD NGAÏSSONA***

Public with
Confidential Annexes 1 to 2, 4 to 6, 8 to 21, 23 to 38 and 40,
Confidential *EX PARTE* Annex 3 only available to the Prosecution, Yekatom Defence and
the Registry,
Confidential *EX PARTE* Annex 7 only available to the Registry,
Confidential *EX PARTE* Annexes 22 and 39 only available to the Prosecution,
and
Public Redacted Annexes 1 to 40

Twelfth Registry Quarterly Report on Decisions issued by way of e-mail from 1
May to 31 July 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 40 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 emails set forth in the following annexes:

- **Annex 1:** Decision on the Yekatom Defence request for extension of time to respond to ICC-01/14-01/18-1848-Conf , dated 02 May 2023 at 08:47;
- **Annex 2:** Decision on the Yekatom Defence objection to scheduling of P-1990 in block 22 and request to limit block 22 to witnesses in April anticipated witness order, dated 02 May 2023 at 15:21;
- **Annex 3:** Decision setting the deadline for observations on the Yekatom Defence request for an order to the Registry to facilitate telephone calls, dated 08 May 2023 at 15:24;
- **Annex 4:** Order to Provide Assessment on In-Court Protective Measures for P-1990, dated 11 May 2023 at 12:02;
- **Annex 5:** Decision on the Prosecution requests for an extension of the page-limit regarding upcoming Bar Table applications, dated 11 May 2023 at 16:28;
- **Annex 6:** Order amending the VWU's deadline to provide its assessment on In-Court Protective Measures for P-1990, dated 11 May 2023 at 17:05;

⁸ Emails sent by the Court Management Section to the Parties, Participants and the Registry on 10 August 2023 at 16:38, 16:40, 16:44, 16:47, 16:48, 16:57 and 17:04 containing confidential and confidential *ex parte* annexes where applicable.

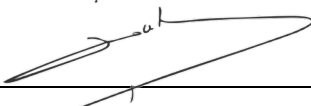
⁹ Emails sent by the Prosecution on 18 August 2023 at 09:13 and 9:15 containing further redactions for annexes 2, 3, 8, 10, 11, 12, 15, 16, 22, 24, 30, 38, 39 and 40. Emails sent by the Defence for Mr Yekatom on 17 August 2023 at 17:22 and 17:25 containing further redactions for annexes 16 and 25. Email sent by the Defence for Mr Ngaïssona on 11 August 2023 at 12:58, containing further redactions for annexes 21, 31 and 40. Emails sent by the Registry on 11 August 2023 at 12:25, 17 August 2023 at 09:47 and 14:13 containing further redactions for annex 3, 7, 30.

- **Annex 7:** RE: Summons to serve to P-2602 and P-2269, dated 15 May 2023 at 16:38;
- **Annex 8:** Order regarding Filing ICC-01/14-01/18-1859-Conf, dated 15 May 2023 at 17:30;
- **Annex 9:** Decision on the Yekatom Defence observations in relation to filing 1860-Conf-Red, dated 15 May 2023 at 17:38;
- **Annex 10:** Order setting deadline to provide views on Prosecution email regarding certification P-2467, dated 17 May 2023 at 08:58;
- **Annex 11:** Decision on Prosecution request regarding certification P-2467, dated 17 May 2023 at 11:13,
- **Annex 12:** Order regarding Filing ICC-01/14-01/18-1871-Conf, dated 17 May 2023 at 17:34;
- **Annex 13:** RE: Urgent Defence Request to dismiss in limine ICC-01/14-01/18-1874 and for orders concerning the Prosecution's prospective bar table applications, dated 19 May 05 2023 at 17:01;
- **Annex 14:** Decision on the Yekatom Defence Request for extension of time to respond to ICC-01/14-01/18-1868-Conf, dated 19 May 2023 at 17:04;
- **Annex 15:** Decision on the Yekatom Defence's Requests regarding Filings ICC-01/14-01/18-1859-Conf and 1871-Conf, dated 23 May 2023 at 14:23;
- **Annex 16:** Decision on the Yekatom Defence's Request to Add 4 Items to its List of Materials for P-2084, dated 25 May 2023 at 15:14;
- **Annex 17:** Order regarding the scheduling of witnesses following decision ICC-01/14-01/18-1907-Conf, dated 05 June 2023 at 13:57;

- **Annex 18:** Decision on the CLRV2 Request concerning P-2389's Testimony, dated 09 June 2023 at 16:35;
- **Annex 19:** Cancellation of hearings, dated 14 June 2023 at 09:09;
- **Annex 20:** Clarifications on the VPRS Query concerning Assistance to P-2475 to Complete Participation Form, dated 15 June 2023 at 10:39;
- **Annex 21:** Decision on the Ngaïssona Defence request for an extension of time to file a response to ICC-01/14-01/18-1868, dated 16 June 2023 at 17:57;
- **Annex 22:** Decision on the Prosecution Request to cite ex parte confidential documents in the Mokom case, dated 16 June 2023 at 17:58;
- **Annex 23:** Decision on the Request to inform Witness P-2041 of the possibility to request leave to participate in the proceedings as a victim, dated 19 June 2023 at 16:16;
- **Annex 24:** Order regarding the Prosecution's Request for a Report from the Registry concerning P-2269 and P-2602, dated 23 June 2023 at 17:40;
- **Annex 25:** Decision on the Yekatom Defence request for remote attendance of Mr. Antley, dated 28 June 2023 at 16:03;
- **Annex 26:** Order shortening deadline to respond to Ngaïssona Defence request ICC-01/14-01/18-1949, dated 28 June 2023 at 16:14;
- **Annex 27:** Order to Provide Assessment on In-Court Protective Measures for P-1576, dated 30 June 2023 at 11:34;
- **Annex 28:** Cancellation of hearings 3-5 July 2023, dated 30 June 2023 at 16:52;
- **Annex 29:** Decision on the Ngaïssona Defence Request for an extension of the page limit regarding Defence response to Facebook Bar Table Application, dated 03 July 2023 at 10:01;

- **Annex 30:** Decision on the Prosecution request for further information concerning P-2269 and P-2602, dated 04 July 2023 at 11:54;
- **Annex 31:** Decision on the Prosecution request for extension of page limit, dated 05 July 2023 at 15:01;
- **Annex 32:** Decision on the Ngaïssona Defence request for an extension of time to respond to the Prosecution's Tenth Bar Table Motion (ICC-01/14-01/18-1956), dated 10 July 2023 at 12:42;
- **Annex 33:** Decision on the Defence requests for extension of time, dated 13 July 2023 at 10:30;
- **Annex 34:** Order to restrict access and reclassify filing ICC-01/14-01/18-1951-Red, dated 14 July 2023 at 10:20;
- **Annex 35:** Order on Suspension of Deadlines during Recess, dated 18 July 2023 at 16:23;
- **Annex 36:** Decision on Prosecution's Request for Leave to Reply regarding P-1819, dated 21 July 2023 at 15:28;
- **Annex 37:** Decision on the Yekatom Defence Request for an Extension of the Page-Limit, dated 21 July 2023 at 15:30;
- **Annex 38:** Decision on Prosecution Request concerning Familiarisation Package for P-2050, dated 26 July 2023 at 09:46;
- **Annex 39:** Decision on Prosecution Request to Share Documents with Said Defence and TC VI, dated 26 July 2023 at 13:56;
- **Annex 40:** Decision on Mokom Defence Request concerning Access to Transcripts, dated 27 July 2023 at 15:34;

13. In addition, the Registry simultaneously submits the 40 annexes listed above in their confidential version and confidential *ex parte* version where applicable.

A handwritten signature in dark ink, appearing to read 'u. l.', is written over a horizontal line.

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

Dated this 25 August 2023

At The Hague, The Netherlands