

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No. ICC-01/14-01/18

Date: 2 May 2024

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
NGAISSONA***

Confidential

**Ninth Decision on Mr Ngaïssona's Restrictions on Contacts and
Communications in Detention**

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

The Office of the Prosecutor Karim A. A. Khan Mame Mandiaye Niang Kweku Vanderpuye	Counsel for Alfred Yekatom Mylène Dimitri Thomas Hannis Anta Guissé Sarah Bafadhel Counsel for Patrice-Edouard Ngaïssona Geert-Jan Alexander Knoops Marie-Hélène Proulx Lauriane Vandeler
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Unrepresented Victims	Unrepresented Applicants for Participation/Reparations
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States Representatives	<i>Amicus Curiae</i>

REGISTRY	
Registrar Osvaldo Zavala Giler	Counsel Support Section
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Victims Participation and Reparations Section	Other

TRIAL CHAMBER V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Articles 64(2) and 68(1) of the Rome Statute, Regulations 99-101 of the Regulations of the Court, and Regulations 167-170, 173-175, 177-180, 182-185 and 187 of the Regulations of the Registry, issues this ‘Ninth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention’.

1. The Chamber recalls the procedural history set out in its latest decision on Mr Ngaïssona’s restrictions on contacts and communications in detention (the ‘Eighth Restrictions Decision’),¹ where it decided to ease some of the restrictions previously imposed on Mr Ngaïssona and to maintain the remaining restrictions (the ‘Current Restrictions’).²
2. On 12 April 2024, the Registry filed its tenth report on the implementation of the restrictions on Mr Ngaïssona’s contacts and communications in detention, in which it informs having no incidents to report (the ‘Tenth Registry Report’).³
3. On 19 April 2024, the Office of the Prosecutor (the ‘Prosecution’) provided its observations on the Tenth Registry Report, submitting that the Chamber should maintain the Current Restrictions (the ‘Prosecution Observations’).⁴
4. The Chamber recalls the standard and the criteria of assessment as previously set out,⁵ as well as the circumstances underlying the Eighth Restrictions Decision and the findings therein.⁶ It further recalls that it decided to impose the Current

¹ Eighth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention, 31 October 2023, ICC-01/14-01/18-2177-Conf.

² Eighth Restrictions Decision, ICC-01/14-01/18-2177-Conf, paras 27-34.

³ Tenth Registry Report on the Implementation of the Restrictions on Contacts of Mr Ngaïssona Ordered by Trial Chamber V, ICC-01/14-01/18-2444-Conf.

⁴ Prosecution’s Observations on the “Tenth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Trial Chamber V” (ICC-01/14-01/18-2444-Conf), ICC-01/14-01/18-2459-Conf.

⁵ Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention, 17 April 2020, ICC-01/14-01/18-484-Conf-Exp, confidential *ex parte*, only available to the Ngaïssona Defence and the Registry (confidential redacted version notified the same day, ICC-01/14-01/18-484-Conf-Red, and public redacted version notified on 16 February 2021, ICC-01/14-01/18-484-Red), paras 16-18, 21.

⁶ Eighth Restrictions Decision, ICC-01/14-01/18-2177-Conf, paras 24-34.

Restrictions ‘until the end of the evidentiary phase of the case’, to be reviewed ‘upon application, or *proprio motu* if considered necessary’.⁷

5. The Chamber notes that there has been no material change in circumstances since the Eighth Restrictions Decision. Accordingly, it sees no need to modify the restrictions regime currently in place and decides to maintain the Current Restrictions.
6. It further reminds the participants that, unless they seek a modification of the restrictions regime, they are not expected to provide observations on the Registry reports on the implementation of the restrictions on contacts and communications in detention.

FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES to maintain the Current Restrictions; and

ORDERS the Registry and the Prosecution to file public redacted versions of the Tenth Registry Report, ICC-01/14-01/18-2444-Conf, and the Prosecution Observations, ICC-01/14-01/18-2459-Conf, within one week of notification of this decision.

Done in both English and French, the English version being authoritative.



Judge Péter Kovács



Judge Bertram Schmitt

Presiding Judge



Judge Chang-ho Chung

Dated 2 May 2024

At The Hague, The Netherlands

⁷ Eighth Restrictions Decision, ICC-01/14-01/18-2177-Conf, para. 34.