



Original : English

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

Date: 22 August 2024

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung
Judge Beti Hohler, Alternate Judge

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 47
and
Public Redacted Annexes 1 to 47**

**Sixteenth Registry Quarterly Report on Decisions issued by way of e-mail from 1
May to 31 July 2024**

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

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits with the present report and its 47 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,

⁶ See *supra* note 2.

⁷ *Ibid*, para. 77.

the 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 annexes:

- **Annex 1:** Order to Provide Observations on In-Court Protective Measures for D30-4608, dated 07 May 2024 at 16:34;
- **Annex 2:** Order shortening deadline to respond to Yekatom Defence Request ICC-01/14-01/18-2485-Conf and instructing VWU to file observations, dated May 2024 at 16:42;
- **Annex 3:** Order setting date for the continuation of D30-4504's testimony, dated 08 May 2024 at 12:03;
- **Annex 4:** Order regarding D30-4914's testimony, dated 08 May 2024 at 15:27;
- **Annex 5:** Decision on Request to Reclassify ICC-01/14-01/18-2394-Conf, dated 08 May 2024 at 17:15;
- **Annex 6:** Decision on the Request to Reconsider the Order setting date for the continuation of D30-4504's testimony, dated 10 May 2024 at 10:48;
- **Annex 7:** Second Order regarding D30-4914's testimony, dated 10 May 2024 at 11:31;

⁸ Emails sent by the Court Management Section to the Parties, Participants and the Registry on 16 August 2024 at 11:15, 11:17 and 11:21 containing confidential and confidential *ex parte* annexes where applicable.

⁹ Email sent by the Prosecution on 22 August 2024 at 11:55 containing further redactions for annexes 4, 7, 8, 17, 18, 27, 28, 29, 35, 37 and 43. Email sent by the Defence for Mr Ngaïssona on 19 August 2024 at 11:19, 11:45 and 18:13 containing further redactions for annexes 11, 27, 28, 35, 37 and 43. Emails sent by the Defence for Mr Yekatom on 16 August 2024 at 14:53 containing further redactions for annexes 24 and 25.

- **Annex 8:** Decision on the Yekatom Defence request for remote attendance of Mr Regis Tiangaye during Block 33 for witness D29-5013, dated 10 May 2024 at 18:07;
- **Annex 9:** Cancellation of hearing on 19 July 2024, dated 13 May 2024 at 11:23;
- **Annex 10:** Order Amending the Deadline for Bar Table Motions by the Defence and Instruction regarding Rule 68(2)(b) Declarations, dated 15 May 2024 at 10:30;
- **Annex 11:** Decision on Prosecution Request to Add Two Documents to its List of Materials for D30-4504, dated 16 May 2024 at 09:44;
- **Annex 12:** Decision on Prosecution Urgent Request for Authorisation to Disclose D30-4885 Items to the Abd-Al-Rahman Defence, dated 16 May 2024 at 10:47;
- **Annex 13:** Decision on the Prosecution's request to appoint counsel for witness D30-4504, dated 16 May 2024 at 12:07;
- **Annex 14:** Order concerning ICC-01/14-01/18-2500-Conf, dated 17 May 2024 at 17:19;
- **Annex 15:** Order to Reclassify ICC-01/14-01/18-2412-Conf, dated 22 May 2024 at 11:46;
- **Annex 16:** Decision on the Yekatom Defence request for leave to file its annexes to the bar table motions in A3 format, dated 22 May 2024 at 16:14;
- **Annex 17:** Decision regarding the witness order for block 33, dated 23 May 2024 at 15:37;
- **Annex 18:** Order to the Registry to provide a report on its efforts to secure the attendance of all remaining Defence witnesses, dated 28 May 2024 at 16:04;
- **Annex 19:** Decision on the Defence's requests in relation to Registry Report ICC-01/14-01/18-2513-Conf-Exp and Order in relation to the remaining Ngaïssona Defence witnesses, dated 03 June 2024 at 09:53;
- **Annex 20:** Order to Provide Observations on In-Court Protective Measures for D30-4608 and D30-4914, dated 04 June 2024 at 10:39;
- **Annex 21:** Amended sitting hours - 10/11 June 2024, dated 05 June 2024 at 11:04;

- **Annex 22:** Decision on the Prosecution's Request for an extension of time to respond to the Yekatom Defence's bar table motion ICC-01/14-01/18-2516+Conf-Anx, dated 05 June 2024 at 15:47;
- **Annex 23:** Decision on Registry's Request for Authorization to Make a Forensic Copy of CAR-OTP-2088-2202, dated 06 June 2024 at 11:53;
- **Annex 24:** Order to Provide Observations on Yekatom Defence Request for Deviation of the Familiarisation Protocol for D29-P-5012, dated 13 June 2024 at 15:47;
- **Annex 25:** Decision on the Yekatom Defence Request for Deviation of the Familiarisation Protocol for D29-5012, dated 14 June 2024 at 11:31;
- **Annex 26:** Amended sitting hours - 19-21 June 2024, dated 14 June 2024 at 16:47;
- **Annex 27:** Order on Ngaïssona Defence Request for Reconsideration of ICC-01/14-01/18-2532-Conf, dated 14 June 2024 at 17:11;
- **Annex 28:** RE: Order on Ngaïssona Defence Request for Reconsideration of ICC-01/14-01/18-2532-Conf, dated 18 June 2024 at 16:07;
- **Annex 29:** Order concerning ICC-01/14-01/18-2538-Conf, dated 21 June 2024 at 10:34;
- **Annex 30:** Order shortening deadline to respond to ICC-01/14-01/18-2542-Conf, dated 21 June 2024 at 18:05;
- **Annex 31:** Order shortening the deadline to respond to the Ngaïssona Defence's Request for Urgent Intervention regarding State Cooperation, dated 25 June 2024 at 09:51;
- **Annex 32:** Decision on ICC-01/14-01/18-2550-Conf, dated 26 June 2024 at 16:56;
- **Annex 33:** Clarification regarding Decision on ICC-01/14-01/18-2550-Conf, dated 27 June 2024 at 11:57;
- **Annex 34:** RE: Order following the Prosecution Notification of Possible Self-Incrimination of D30-4848, dated 28 June 2024 at 17:17;
- **Annex 35:** Decision on Prosecution Request for Additional Information regarding ICC-01/14-01/18-2566-Conf, dated 02 July 2024 at 15:46;

- **Annex 36:** Decision on D30-4848's Request to Visit Mr Ngaïssona in the Detention Centre, dated 05 July 2024 at 17:42;
- **Annex 37:** Decision on Ngaïssona Defence Objection to Prosecution List of Material for D30-4848, dated 08 July 2024 at 09:11;
- **Annex 38:** Decision on the Yekatom Defence's Request for Leave to Reply to Prosecution's Response to the 'Yekatom Defense Request for the Formal Submission of Open-source Evidence from the Bar Table', dated 09 July 2024 at 15:00;
- **Annex 39:** Order shortening deadline to respond to the Yekatom Defence Third Consolidated Request for Leave to amend its Witness and Evidence Lists and for formal submission of prior recorded testimony via Rule 68(2)(b), dated 09 July 2024 at 15:48;
- **Annex 40:** Decision on the Ngaïssona Defence's Notice of Withdrawal of Item CAR-OTP-00000637 from its List of Evidence, dated 12 July 2024 at 15:47;
- **Annex 41:** Decision on the Ngaïssona Defence's Request to Add Items to its List of Materials for the Examination of D30-4679, dated 12 July 2024 at 17:39;
- **Annex 42:** Decision on the Prosecution's Request concerning the Submission of CAR-OTP-00000637, dated 15 July 2024 at 09:31;
- **Annex 43:** Decision in relation to the Article 70 Material transmitted to the Chamber by the Prosecution, dated 16 July 2024 at 11:45;
- **Annex 44:** Decision on the Yekatom Defence request for an extension of time to file its bar table motion concerning items relevant to Count 29, dated 17 July 2024 at 17:25;
- **Annex 45:** Decision on Prosecution Request to Extend Deadline to File PRV of ICC-01/14-01/18-2543-Conf, dated 19 July 2024 at 12:13;
- **Annex 46:** Decision Inviting the Registry to Submit Observations on ICC-01/14-01/18-2599-Conf-Exp, dated 23 July 2024 at 09:50; and
- **Annex 47:** Amendment of Schedule for Block 35, dated 24 July 2024 at 11:01.

CONF

13. In addition, the Registry simultaneously submits the 47 annexes listed above in their confidential version.



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

Dated this 22 August 2024

At The Hague, The Netherlands