

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 18 February 2025

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
NGAISSONA**

Public

Public Redacted Version of “Twelfth Registry Report on the Implementation of the Restrictions on Contacts of Mr Ngaïssona Ordered by Trial Chamber V”, 10 January 2025, ICC-01/14-01/18-2752-Conf-Exp

Source: Registry

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ 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

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☒ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. In accordance with the “Eighth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”,¹ issued by Trial Chamber V (“Chamber”) on 31 October 2023, whereby the Registry is ordered to, *inter alia*, “continue reporting any incidents, significant developments, or challenges in relation to the implementation of the restrictions as soon as they arise”,² the Registry brought to the Chamber’s attention,³ an incident of potential concern during Mr Ngaïssona’s non-privileged telephone call on 10 December 2024, with a non-privileged telephone contact.
2. Pursuant to the Chamber’s instruction communicated via email on 7 January 2025,⁴ the Registry was directed to “advance and file its next report on 10 January 2025”, and thereafter “follow the usual intervals for filing its regular reports”.⁵ Accordingly, the Registry submits the present report.

II. Procedural history

3. Pursuant to a series of decisions,⁶ the following restrictions on Mr Ngaïssona’s contacts are currently in place: (1) non-privileged phone calls and non-

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

² *Ibid.*, para. 33.

³ Email from the Registry to Trial Chamber V on 3 January 2025 at 14:52.

⁴ Email from Trial Chamber V to the Registry on 7 January 2025 at 12:24.

⁵ *Ibid.*

⁶ Trial Chamber V, “Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”, 17 April 2020, ICC-01/14-01/18-484-Red2, paras. 15, 25; Trial Chamber V, “Second Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”, 8 July 2020, ICC-01/14-01/18-582, paras. 12-13, 15; Trial Chamber V, 5 October 2020 Decision, paras. 16, 20-22; Trial Chamber V, “Fourth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”, 23 April 2021, ICC-01/14-01/18-965-Red, paras. 17, 21; Trial Chamber V, “Fifth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”, 12 October 2021, ICC-01/14-01/18-1136-Conf, para. 8; Trial Chamber V, “Sixth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention and Directions regarding the Use of the Privileged Network”, 19 September 2022, ICC-01/14-01/18-1575-Conf, para. 27; Trial Chamber V, “Seventh Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”, 10 May 2023, ICC-01/14-01/18-1863-Conf-Red; Trial Chamber V, “Eighth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”, 31 October 2023, ICC-01/14-01/18-2177-Conf, paras. 26-34; Trial Chamber V, “Ninth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”, 2 May 2024, ICC-01/14-01/18-2475-Conf, para. 5; and Trial Chamber V, “Tenth Decision on

privileged visits limited to the individuals on his non-privileged contact list, whose identity and contact details have been duly verified beforehand by the Chief Custody Officer (“CCO”), who may request the support of the Victims and Witnesses Section; (2) written correspondence limited to the individuals on his non-privileged contact list; (3) non-privileged communications limited to the languages of French and Sango; and (4) the prohibition of obscure or coded language and discussions related to his case during non-privileged communications.

III. Classification

4. In accordance with regulation 23 *bis*(1) of the Regulations of the Court (“RoC”), the present report and its annex are classified as confidential, *ex parte* only available to the Ngaïssona Defence and the Registry, as: (1) the report references confidential decisions of the Chamber and (2) they contain third-party information and personal details related to Mr Ngaïssona’s private life. A confidential redacted version of this report will be filed simultaneously.

IV. Applicable law

5. For the purpose of the present submission, the Registry has considered regulation 99(1)(i) of the RoC, and regulations 173, 174, and 175 of the Regulations of the Registry (“RoR”).

V. Submissions

In relation to non-privileged telephone calls

6. Pursuant to regulation 175(1) of the RoR, the Acting CCO has conducted random monitoring of Mr Ngaïssona’s non-privileged telephone calls.⁷ The Registry recalls that certain contact restrictions remain in effect, including the

Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention”, 29 November 2024, ICC-01/14-01/18-2741-Conf, paras. 7-8.

⁷ Registry, “Eleventh Registry Report on the Implementation of the Restrictions on Contacts of Mr Ngaïssona Ordered by Trial Chamber V”, 14 October 2024, ICC-01/14-01/18-2724, para. 6.

prohibition against Mr Ngaïssona using obscure or coded language, or mentioning his case.⁸ In this context, the Registry reports the following:

7. On 10 December 2024, Mr Ngaïssona called [REDACTED], [REDACTED] (“10 December 2024 call” and “Interlocutor”).⁹ During the 10 December 2024 call,¹⁰ the Interlocutor said: “[REDACTED]” to which Mr Ngaïssona answered “[REDACTED]”. It appears that Mr Ngaïssona commented on a document that was presented to him. The conversation appears to be case-related.
8. During the 10 December 2024 call,¹¹ the Interlocutor said: “[REDACTED]”. [REDACTED]?”. It appears that the Interlocutor commented [REDACTED]. The conversation appears to be case-related and conducted in obscure language.



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

Dated this 18 February 2025

At The Hague, the Netherlands

⁸ See para. 3, above.

⁹ Annex.

¹⁰ Annex, p. 2, lines 33-36.

¹¹ Annex, pp. 3-4, lines 66-76.