

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 6 January 2020

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
THE PROSECUTOR *v.* ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA**

**Confidential *EX PARTE* only available to the Prosecutor, the Defence for Mr
Ngaïssona, the Registrar, and the Detention Section**

**Confidential Redacted Version of "Eighth Registry Report on the Implementation
of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II"
filed on 6 January 2019**

Source: Registry

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

The Office of the Prosecutor

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Legal Representatives of the Applicants

Legal Representatives of the Victims

Unrepresented Applicants

(Participation/Reparation)

Unrepresented Victims

**The Office of the Public Counsel for
Victims**

**The Office of the Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Mr Paddy Craig

**Victims Participation and Reparations
Section**

I. Introduction

1. Following the "Decision Pursuant to Regulation 101 of the Regulations of the Court" ("Fifth Decision")¹ issued by Pre-Trial Chamber II ("Chamber") on 15 April 2019, in which the Registry is ordered to report on the implementation of the restrictions on contact for Patrice-Edouard Ngaïssona ("Mr Ngaïssona") every two months, the Registry hereby submits its report on the monitoring of Mr Ngaïssona's non-privileged telephone calls, visits and incoming and outgoing mail since 4 November 2019. By this report, the Registry informs the Chamber that no incident has been reported.

II. Procedural history

2. Following several Chamber's decisions on the monitoring regime and related Registry's reports,² the Chamber issued the "Decision Pursuant to Regulation 101 of the Regulations of the Court" ("Seventh Decision"), deciding, *inter alia*, to suspend all of Mr Ngaïssona's non-privileged telephone calls and non-

¹ Pre-Trial Chamber II, "Decision Pursuant to Regulation 101 of the Regulations of the Court" ("Fifth Decision"), 15 April 2019, ICC-01/14-01/18-176-Conf-Red.

² Single Judge, "Decision Pursuant to Regulation 101 of the Regulations of the Court", 23 January 2019, ICC-01/14-01/18-98-Conf-Exp, paras. 7-11; Pre-Trial Chamber II, "Second Decision Pursuant to Regulation 101 of the Regulations of the Court", 29 January 2019, ICC-01/14-01/18-106-Conf-Exp ; Registry, "Registry Report on the Implementation of the Restrictions on Contact Ordered by the Single Judge", 06 February 2019, ICC-01/14-01/18-115-Conf-Exp; Pre-Trial Chamber II, "Third Decision Pursuant to Regulation 101 of the Regulations of the Court", 6 February 2019, ICC-01/14-01/18-114-Conf-Exp; Registry, "Second Registry Report on the Implementation of the Restrictions on Contact of Mr Patrice-Édouard Ngaïssona Ordered by the Single Judge", 25 February 2019, ICC-01/14-01/18-125-Conf-Exp; Pre-Trial Chamber II, "Decision Pursuant to Regulation 101 of the Regulations of the Court", 1 March 2019, ICC-01/14-01/18-137-Conf-Exp, paras. 19-20 ; Registry, "Third Registry Report on the Implementation of the Restrictions on Contact of Mr Patrice-Édouard Ngaïssona Ordered by Pre-Trial Chamber II", 08 April 2019, ICC-01/14-01/18-166-Conf-Exp ; Pre-Trial Chamber II, "Decision Pursuant to Regulation 101 of the Regulations of the Court", 15 April 2019, ICC-01/14-01/18-176-Conf-Red ; Registry, "Fourth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II" ("Fourth Registry Report"), 17 June 2019, ICC-01/14-01/18-225-Conf-Exp ; Pre-Trial Chamber II, "Decision Pursuant to Regulation 101 of the Regulations of the Court", 9 July 2019, ICC-01/14-01/18-240-Conf-Exp, para. 30; Registry, "Fifth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by the Pre-Trial Chamber II" ("Fifth Registry Report"), 15 August 2019, ICC-01/14-01/18-276-Conf-Exp; Registry, "Sixth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II", 13 September 2019, ICC-01/14-01/18-337-Conf-Exp.

family, non-privileged visits on an interim basis and to suspend all forms of communication between Mr Ngaïssona and [REDACTED] with whom he has engaged in coded conversation on an interim basis; also, it ordered the active monitoring of Mr Ngaïssona's visits of family members.³

3. On 3 October 2019, the Chamber issued the "Decision on the Registry's Request for an Extension and the Contact Restrictions in place for Ngaïssona" ("Eighth Decision"),⁴ deciding that from 12 October 2019 Mr Ngaïssona would be allowed (1) one hour a week of actively monitored, non-privileged phone calls with his family only, and actively monitored visits with family members only, (2) to maintain these restrictions for the remainder of the pre-trial proceedings, and (3) to suspend until further notice all forms of communication between Mr Ngaïssona and [REDACTED] with whom he engaged in coded conversation.⁵
4. On 4 November 2019, the Registry submitted its "Seventh Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by the Pre-Trial Chamber II" ("Seventh Registry Report"), reporting its findings on the investigation into the identity of the third party from a telephone incident, to the extent possible, and on the investigation into all of Mr Ngaïssona's non-privileged phone calls from the Fourth Report to 18 September 2019.⁶

³ Pre-Trial Chamber II, "Decision Pursuant to Regulation 101 of the Regulations of the Court" ("Seventh Decision"), 18 September 2019, ICC-01/14-01/18-357-Conf-Exp, para. 52.

⁴ Pre-Trial Chamber II, "Decision on the Registry's Request for an Extension and the Contact Restrictions in place for Ngaïssona" ("Eighth Decision"), 3 October 2019, ICC-01/14-01/18-374-Conf-Exp.

⁵ *Ibid.*, paras. 39-42.

⁶ Registry, "Seventh Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by the Pre-Trial Chamber II" ("Seventh Registry Report"), 4 November 2019, ICC-01/14-01/18-390-Conf-Exp.

5. On 23 December 2019, the Chamber issued its “Decision Pursuant to Regulation 101 of the Regulations of the Court” (“Ninth Decision”),⁷ (1) extending the existing contact restrictions for the remainder of the pre-trial proceedings, (2) [REDACTED], and (3) instructing that non-privileged mail communications should be restricted to those individuals on Ngaïssona’s non-privileged contact list.⁸

III. Classification

6. In accordance with regulation 23 *bis* (1) of the Regulations of the Court (“RoC”), the present report is classified as confidential *ex parte* only available to the Defence for Mr Ngaïssona, the Registrar, and the Detention Section, as it refers to filings and decisions of the same classification, and considering that it contains sensitive information regarding Mr Ngaïssona’s private life and detention-related matters. A confidential redacted version available to the Office of the Prosecutor will be filed on the record, following the Chamber’s instructions.⁹

IV. Applicable law

7. For the purpose of the present submission, the Registry has considered regulations 99(1)(i) and 100 of the RoC, and regulations 173, 174, 175, 179, 180, 183 and 184 of the Regulations of the Registry (“RoR”).

V. Submissions

8. [REDACTED].¹⁰ [REDACTED].

⁷ Pre-Trial Chamber II, “Decision Pursuant to Regulation 101 of the Regulations of the Court” (“Ninth Decision”), 23 December 2019, ICC-01/14-01/18-413-Conf-Exp.

⁸ *Ibid.*, paras. 80 and 89.

⁹ Fifth Decision, para. 32.

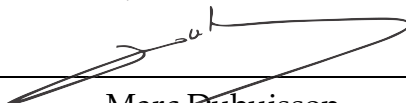
¹⁰ [REDACTED].

In relation to the active monitoring order

9. As previously reported, Mr Ngaïssona's new telephone schedule has been in effect since 12 October 2019,¹¹ and takes into consideration the Chamber's Fifth Decision, ensuring extra time for set up and connecting of telephone calls. The Registry reports that since 7 November 2019 no phone calls have taken place, however the Registry continues to offer the possibility of monitored phone calls to Mr Ngaïssona twice a week.
10. Pursuant to the Seventh Decision, and extended by the Eighth and Ninth Decisions, Mr Ngaïssona's family visits shall be actively monitored and the discussions shall be limited to matters of a strictly personal nature, and all coded or obscure language are prohibited.
11. During the reporting period, the Registry implemented the Chamber's Decisions by actively monitoring all of Mr Ngaïssona's non-privileged visits by family members, taking into consideration the reasonable demands of the daily schedule at the DC and the availability of interpreters. No incidents were reported during the visits.

¹¹ Seventh Registry Report, para. 32.

12. Any written correspondence or packages that are sent or received, pursuant to regulations 168, 169 and 170 of the RoR, will be closely monitored in accordance with the relevant regulations and Chambers decisions,¹² and any suspected breaches will be reported. The Registry has no incidents to report.



Marc Dubuisson
Director Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 6 January 2020

At The Hague, The Netherlands

¹² Seventh Decision, para. 52; Ninth Decision, para. 89.