

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/14-01/18
Date: 25 November 2020

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**

CONFIDENTIAL

with Confidential Annex

Sixth Registry Update on Detention Centre COVID-19 Measures

Source: Registry

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

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**Unrepresented Applicants
(Participation/Reparation)**

Unrepresented Victims

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REGISTRY

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Mr Peter Lewis

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**Victims Participation and Reparations
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I. Introduction

1. The Registry presents the following submissions, pursuant to regulation 24 *bis* of the Regulations of the Court ("RoC"), to update Trial Chamber V of the International Criminal Court ("Chamber" and "ICC", respectively) in the case of *The Prosecutor vs Alfred Yekatom and Patrice-Edouard Ngaïssona* on the COVID-19 measures currently in place at the ICC Detention Centre ("Detention Centre" or "DC").

II. Classification

2. In accordance with regulation 23 *bis*(2) of the RoC, the present report is classified as confidential, as it refers to confidential detention matters that are currently not public.

III. Submissions

3. As previously reported by the Registry,¹ since 19 March 2020, measures have been in place at the DC in order to protect the health, safety and lives of the detained persons during the ongoing COVID-19 pandemic ("Pandemic"), by minimizing contacts to detained persons and thus their risk of exposure to the virus.
4. The Registry hereby informs the Chamber that on 12 November 2020, pursuant to regulation 96(2) of the RoC, the Presidency approved an extension of certain DC COVID-19 measures until 16 December 2020 (inclusive). This approval was given following a request from the Registrar, and upon the medical advice of the Medical Officer of the DC ("MO"),

¹ Registry, "Registry Update on COVID-19 Detention Centre Measures", 3 July 2020, ICC-01/14-01/18-578-Conf; Registry, "Registry Second Update on COVID-19 Detention Centre Measures", 17 July 2020, ICC-01/14-01/18-597-Conf; Registry, "Registry Third Update on Detention Centre COVID-19 Measures", 26 August 2020, ICC-01/14-01/18-632-Conf; Registry "Fourth Registry Update on Detention Centre COVID-19 Measures", 23 September 2020, ICC-01/14-01/18-665-Conf; Registry, "Addendum to 'Registry Fifth Update on Detention Centre COVID-19 Measures'", 29 October 2020, ICC-01/14-01/18-702-Conf.

according to regulation 155(2) of the Regulations of the Registry ("RoR"). The Registry informed the detained persons and their respective counsels of the extension on 16 November 2020.² These measures relate to the suspension of regulations 100 and 102 of the RoC, and regulations 153, 177, 178, 179, and 180 of the RoR.³ These measures include the temporary suspension of all in-person visits to detained persons, including legal visits and non-privileged visits.

5. The Registry wishes to further notify the Chamber on the temporary mitigation measures in effect for the DC during the Pandemic. The temporary measures were enacted following the medical advice of the MO, pursuant to regulation 155 (2) of the RoR. These measures are the following:

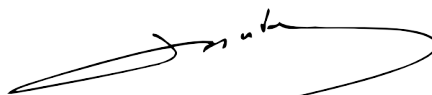
- Establishment of an interim import regime. Any import of parcels will be quarantine prior the delivery;
- Establishment of privileged video conferencing between detained persons at the DC and their Defence team;
- In-person recreational activities such as in-person language classes, in-person creative classes and external sport instruction classes are temporarily suspended. Alternative arrangements have been made for language classes and sports instruction lessons;
- In-person spiritual visits are temporarily suspended during the Pandemic. Alternative measures have been put in place so that all spiritual advisors provide written spiritual content on a weekly basis (suspension of regulations 102 of the RoC and 153 of the RoR);
- Non-essential medical appointments are suspended or alternative arrangements are made. All essential medical care, appointments, medicine distribution and diagnostic care remain in place. Appointments are assessed on a case-by-case basis.

² Email from the Registry to all Defence Counsels, 16 November 2020, at 15:59.

³ Annex.

Medical Officer Advice for DC COVID-19 Measures

6. On 28 October 2020, in providing his advice, the MO acknowledged that the second wave of the Pandemic has hit Europe and particularly the Netherlands. He reiterates the importance of limiting in-person contacts with detained persons to the strict minimum, unless it is of vital necessity and maintaining the use of alternative measures to in-person contacts where possible.
7. For the measures currently in place at the DC, the medical advice remains unchanged from what was presented in the previous filings and it was recommended that the precautionary measures be maintained.
8. The Registry respectfully submits the above for the information of the Chamber. Any further extensions or changes in the measures will be so communicated to the Chamber.



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

Dated this 25 November 2020

At The Hague, the Netherlands