

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 23 February 2021

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**

PUBLIC

with Confidential Annex

Ninth 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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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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

**The Office of the Public Counsel for the
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Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

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Detention Section

Mr Harry Tjonk

**Victims Participation and Reparations
Section**

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”) 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 Annex of the present report is classified as confidential as it is an internal operational document of the Detention Centre.

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 detained persons during the ongoing COVID-19 pandemic, by minimizing external contacts to detained persons and thus their risk of exposure to the virus.
4. The Registry hereby informs the Chamber that on 16 February 2021, pursuant to regulation 96(2) of the RoC, the Presidency approved an extension of the DC COVID-19 measures until 18 March 2021 (inclusive). Approval was given following a request from the Registrar, and upon the medical advice of the

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; Registry, “Sixth Update on Detention Centre COVID-19 Measures”, 25 November 2020, ICC-01/14-01/18-741-Conf; Registry, “Seventy Registry Update on COVID-19 Detention Centre Measures”, 21 December 2021, ICC-01/14-01/18-788-Conf; Registry, “Eighth Registry Update on Detention Centre COVID-19 Measures”, 19 January 2021, ICC-01/14-01/18-841-Conf.

Medical Officer of the DC, 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 of the measures on 16 February 2021.² 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 There are still no changes to the measures, which include the temporary suspension of all in-person visits to detained persons, including legal visits, non-privileged visits, spiritual visits and in-person recreational activities. However, alternative measures continue to be in place where possible. Regarding the alternative options for in-person language classes and in-person spiritual visits, as reported in the new addition on COVID-19 measures on the ICC website,⁴ spiritual visits and English classes have been offered via video-conference to detained persons, and a number of detained persons use this alternative measure.

5. Finally, the Registry recalls that these are general measures and without prejudice to any judicially ordered exceptions.

Medical Officer Advice for DC COVID-19 Measures

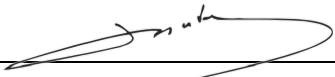
6. For the DC COVID-19 measures, the medical advice remains that what can be done remotely should be done remotely and to reduce as much as possible transfers of detained persons, with a strong emphasis on mitigating the risk of exposure to COVID-19 for detained persons. The numbers of positive cases are expected to increase due to the different COVID-19 variants that are gaining ground in the Netherlands.

² Email from the Detention Section to all Defence Counsels on 16 February 2021 at 13:04.

³ Annex.

⁴ International Criminal Court, “How the Court works?”, “COVID-19 related measures in the Detention Centre”, at <https://www.icc-cpi.int/about/how-the-court-works> (accessed 23 February 2021).

7. 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 23 February 2021

At The Hague, the Netherlands