

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 25 February 2021

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 ROMBHOT YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA*

Public

**Public Redacted Version of “Defence Request to Obtain Transcript of Phone Call
Mentioned in the ‘Registry Reply to Defence Observations (ICC-01/14-01/18-397-
Conf-Exp)’,
(ICC-01/14-01/18-400-Conf-Exp)”, ICC-01/14-01/18-401-Conf-Exp, 5 December 2019**

Source: Defence of Patrice-Edouard Ngaïssona

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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I. Introduction

1. The Defence respectfully requests the Chamber to order the Registry to provide the transcript of the conversation mentioned at paragraph 20 of the “Registry Reply to Defence Observations”¹.

II. Confidentiality

2. Pursuant to Regulation 23*bis*(1) of the Regulations of the Court, the present request is filed on a confidential, ex parte, basis only available to the Defence, the Registrar and the Detention Section, as it concerns information regarding Ngaïssona’s private life and detention-related matters. Moreover, the present request concerns a filing with the same classification.

III. Procedural history

3. On 4 November 2019, the Registry filed its “Seventh Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II” (“Seventh Report”)².
4. On 11 November 2018, the Chamber ordered the Registry to provide the Defence with the transcripts of the conversations underlying the Seventh Report.³
5. On 15 November 2018, the Defence filed its “Defence Observations Pursuant to the “Decision Pursuant to Regulation 101 of the Regulations of the Court”

¹ ICC-01/14-01/18-400-Conf-Exp.

² ICC-01/14-01/18-390-Conf-Exp.

³ ICC-01/14-01/18-393-Conf-Exp.

and the Registry's Seventh Report" ("Defence Observations").⁴

6. On 22 November 2019, the Chamber directed the Registry to provide a Reply to the Defence Observations by 4 December 2019.⁵
7. On 4 December 2019, the Registry filed its "Registry Reply to Defence Observations" ("Registry Reply").⁶

IV. Submissions

8. The Defence notes that, at paragraph 20, the Registry Reply refers to a phone call between Mr Ngaïssona and [REDACTED] on 18 July 2019. After a diligent review of all the transcripts transmitted to the Defence in the context of the implementation of contact restrictions of Mr Ngaïssona,⁷ the Defence could not locate the transcript of the relevant conversation.
9. The Defence notes that a transcript of a conversation between Mr Ngaïssona and [REDACTED] on 18 July 2019 was provided as an Annex to the Registry's Fifth Report.⁸ However, its content differs considerably from the content of the phone call reported at paragraph 20 of the Registry Reply.⁹ Hence, it appears that the Registry is referring to a different conversation. For this reason, the Defence respectfully requests the Chamber to order the Registry to provide it with the relevant transcript.

⁴ ICC-01/14-01/18-397-Conf-Exp.

⁵ Email of [REDACTED] on behalf of Pre-Trial Chamber II to the Office of the Director of Judicial Services, 22 November 2019, 16:33.

⁶ ICC-01/14-01/18-400-Conf-Exp.

⁷ Email of [REDACTED] to [REDACTED], 17 October 2019, 17:44; Email of [REDACTED] to [REDACTED], 12 November 2019, 10:36.

⁸ ICC-01/14-01/18-276-Conf-Exp-Anx .

⁹ [REDACTED].

10. The Defence incorporates by reference its past submissions on the importance of being provided with the full and accurate transcripts of conversations rather than excerpts and quotes of those conversations.¹⁰ Full transcripts have the potential not only to assist the Defence in making its submissions, but also to assist the Chamber when considering certain allegations. It is thus fundamental that each allegation made by the Registry be supported by the transcript of the relevant conversation.

V. Conclusion

11. The Defence respectfully requests the Chamber to order the Registry to provide the Defence and the Chamber with the transcript of the phone call mentioned at paragraph 20 of the Registry Reply.

Respectfully submitted on 25 February 2021,



Mr Knoops, Lead Counsel for Patrice-Edouard Ngaïssona

¹⁰ ICC-01/14-01/18-373-Conf-Exp, para. 25.