

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 8 March 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
NGAISSONA**

CONFIDENTIAL

**Confidential Redacted Version of "Third Registry Report on the Implementation
of the Restrictions on Contact of Mr Ngaïssona Ordered by Trial Chamber V",
filed on 8 March 2021.**

Source: Registry

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

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Registrar

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I. Introduction

1. Following the "Third Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention"¹ issued by Trial Chamber V ("Chamber") on 5 October 2020, in which the Registry is ordered to report on the implementation of the restrictions on contact for Mr Patrice-Edouard Ngaïssona ("Mr Ngaïssona") every six months, the Registry hereby submits its report on the monitoring of Mr Ngaïssona's non-privileged telephone calls, visits and written correspondence since 8 September 2020. The Registry has one incident to report.

II. Procedural history

2. Pursuant to a series of decisions,² the Chamber has ordered the restrictions on Mr Ngaïssona's contacts to be: (1) actively monitored non-privileged phone calls with authorized family members, 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 Unit ("VWU"), for 180 minutes distributed in two 90 minute periods two times a week; (2) actively monitored visits with authorized family members, whose identity and contact details have also been duly verified beforehand; (3) written correspondence which is limited to the individuals on his non-privileged contact list; (4) non-privileged communication is limited to the languages of French and Sango; and (5) the prohibition of obscure or coded language and discussions related to his case during non-privileged communications. The Chamber also ordered the Registry to submit reports on the implementation of the restrictions on contact every six months.³

¹ Trial Chamber V, "Third Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention" ("5 October 2020 Decision"), 5 October 2020, ICC-01/14-01/18-672-Conf.

² Trial Chamber V, "Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention" ("17 April 2020 Decision"), 17 April 2020, ICC-01/14-01/18-484-Conf-Exp, paras. 15, 25; Trial Chamber V, "Second Decision on Mr Ngaïssona's Restrictions on Contacts and Communications in Detention" ("8 July 2020 Decision"), 8 July 2020, ICC-01/14-01/18-582-Conf, paras. 12-13, 15; 5 October 2020 Decision.

³ 5 October 2020 Decision, para. 25.

III. Classification

3. 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 and the Registry, as it contains information on the private life of Mr Ngaïssona and [REDACTED]. A confidential redacted version will be filed simultaneously.

IV. Applicable law

4. For the purpose of the present submission, the Registry has considered regulations 99(1)(i), and 100 of the RoC, and regulations 168, 169, 170, 173, 174, 175, 177, 179, 180, 183 and 184 of the Regulations of the Registry ("RoR").

V. Submissions

In relation to the active monitoring order

5. Pursuant to the Chamber's restrictions on contacts, Mr Ngaïssona is authorized to make telephone phone calls twice a week for a total of 180 minutes per week to verified family members.⁴ The Registry has no incidents to report during Mr Ngaïssona's non-privileged telephone calls, which the Registry confirms take place twice a week in accordance to the schedule implemented by the ICC Detention Centre ("DC").
6. Regarding the implementation of non-privileged visits, the Registry recalls that the ICC DC COVID-19 measures are currently in place until at least 18 March 2021.⁵ These measures are in place to protect the health, safety and lives of the detained persons at the DC by limiting their exposure to COVID-19 as much as possible, and include the suspension of regulation 100 of the RoC, and regulations 177, 179 and 180 of the RoR, which pertain to in-person visits.⁶

⁴ 5 October 2020 Decision, para. 21.

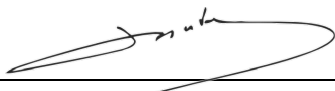
⁵ Registry, "Ninth Registry Update on Detention Centre COVID-19 Measures" ("Ninth COVID-19 Update"), 23 February 2021, ICC-01/14-01/18-890.

⁶ Ninth COVID-19 Update, para. 4.

7. Therefore, during the reporting period Mr Ngaïssona did not receive any non-privileged visits. When in-person visits resume at the DC, the Registry will fully implement the Chamber's restrictions on contact by actively monitoring Mr Ngaïssona's non-privileged visits by family members.⁷

Reporting of one incident

8. The Registry reviews all incoming and outgoing mail to ensure compliance with regulations 168, 169 and 170 of the RoR, specific for Mr Ngaïssona, this also includes ensuring compliance with his restrictions on contacts. Regarding Mr Ngaïssona's written correspondence, the Registry has one incident to report.
9. [REDACTED], the COs found two letters, handwritten and signed by Mr Ngaïssona and dated on 16 December 2020 and 31 January 2021.⁸ [REDACTED] the two letters came from Mr Ngaïssona and were addressed to Mr Ngaïssona's friend.
10. The apparent intended recipient of these two letters is [REDACTED]. The CCO reviewed the letters, which do not appear to be in vague or coded language or discuss his case. However, this individual does not appear on Mr Ngaïssona's contact list. Furthermore, this is an improper circumvention of the RoR, which requires that the CCO review all non-privileged outgoing mail.⁹



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

Dated this 8 March 2021

At The Hague, the Netherlands

⁷ 17 April 2020 Decision, para. 15.

⁸ [REDACTED]

⁹ Regulation 169 of the RoR.