



Original: English

No. ICC-01/14-01/18
Date of original: 3 October 2019
Date: 17 March 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 YEKATOM AND*
PATRICE-EDOUARD NGAÏSSONA

Public redacted version of

Decision on the Registry's Request for an Extension and the Contact Restrictions in
place for Ngaïssona

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Kweku Vanderpuye

Counsel for Alfred Yekatom

Mylène Dimitri
Thomas Hannis

Counsel for Patrice-Edouard Ngaïssona

Geert-Jan Alexander Knoop
Richard Omissé-Namkeamaï
Marie-Hélène Proulx

Legal Representatives of Victims

Abdou Dangabo Moussa
Elisabeth Rabesandratana
Yaré Fall
Marie-Edith Douzima-Lawson
Paolina Massidda
Dmytro Suprun

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Harry Tjonk

**Victims Participation
and Reparations Section**

Other

PRE-TRIAL CHAMBER II of the International Criminal Court issues this Decision Pursuant to Regulation 101 of the Regulations of the Court.

I. Procedural History

1. On 30 October 2018, the Prosecutor submitted under seal, *ex parte*, an application for the issuance of warrants of arrest for Patrice-Edouard Ngaïssona and Alfred Yekatom.¹ The Prosecutor further requested, *inter alia*, that their contacts be restricted upon arrival at the ICC Detention Centre, submitting that there were reasonable grounds to believe that contact between Ngaïssona, Yekatom and their associates would prejudice the outcome of the investigation within the meaning of regulation 101(2)(b) of the Regulations of the Court (the ‘Regulations’).²

2. On 11 November 2018, the Chamber issued the ‘Warrant of Arrest for Alfred Yekatom’.³

3. On 17 November 2018, Yekatom was surrendered to the Court by the authorities of the Central African Republic (the ‘CAR’).⁴ On the same day, the Single Judge, acting on behalf of the Chamber,⁵ issued the ‘Decision pursuant to Regulation 101 of the Regulations of the Court’ (the ‘17 November 2018 Decision’), thereby restricting Yekatom’s communications upon his arrival at the ICC Detention Centre for a period of two weeks.⁶ The Single Judge limited the number of individuals Yekatom could make telephone calls to and receive visits from, ordered the active monitoring of his telephone calls and visits, and limited the duration of his telephone calls to 60 minutes per week as well as the languages of communication to French and Sango.⁷ On 18 November 2018, Yekatom arrived at the ICC Detention Centre.⁸

¹ ICC-01/14-01/18-2-US-Exp, together with 11 under seal, *ex parte* annexes.

² ICC-01/14-01/18-2-US-Exp, para. 357.

³ ICC-01/14-01/18-1-US-Exp. A public redacted version of the warrant of arrest is also available; see [ICC-01/14-01/18-1-Red](#).

⁴ Registry, Rapport du Greffe sur l’Arrestation et la Remise de M. Alfred Yekatom, ICC-01/14-01/18-17-US-Exp, paras 19-24.

⁵ Pre-Trial Chamber II, Decision designating a Single Judge, 9 November 2018, ICC-01/14-01/18-10.

⁶ ICC-01/14-01/18-11-Conf-Exp.

⁷ ICC-01/14-01/18-11-Conf-Exp, paras 6-9.

⁸ ICC-01/14-01/18-17-US-Exp, para. 25.

4. Between 4 December 2018 and 15 February 2019, upon requests by the Prosecutor,⁹ the Chamber issued four decisions pursuant to regulation 101 of the Regulations,¹⁰ thereby each time extending the restrictions on Yekatom's contacts, with one modification: Yekatom was granted the right to have private family visits on 10 January 2019 (the '10 January 2019 Decision').¹¹

5. On 7 December 2018, the Chamber issued the 'Warrant of Arrest for Patrice-Edouard Ngaïssona'.¹²

6. On 23 January 2019, Ngaïssona was surrendered to the Court by the authorities of the French Republic.¹³ On the same day, the Single Judge, acting on behalf of the Chamber,¹⁴ issued the 'Decision pursuant to Regulation 101 of the Regulations of the Court' (the '23 January 2019 Decision'), thereby restricting Ngaïssona's contacts and communications upon his arrival at the ICC Detention Centre.¹⁵ The Single Judge prohibited any exchange of contact between Ngaïssona and Yekatom, limited for a period of two weeks the number of individuals Ngaïssona could make telephone calls to and receive visits from, ordered the active monitoring of his telephone calls and visits, and limited the duration of his telephone calls to 60 minutes per week as well as the languages of communication to French and Sango.¹⁶

7. On 29 January 2019, the Chamber issued the 'Second Decision pursuant to Regulation 101 of the Regulations of the Court', thereby rescinding the separation of Ngaïssona and Yekatom (the '29 January 2019 Decision').¹⁷

⁹ ICC-01/14-01/18-24-Conf-Red; ICC-01/14-01/18-44-Conf-Exp; ICC-01/14-01/18-69-Conf-Exp; ICC-01/14-01/18-83-Conf.

¹⁰ ICC-01/14-01/18-25-Conf-Exp; ICC-01/14-01/18-52-Conf-Exp; ICC-01/14-01/18-75-Conf-Exp; ICC-01/14-01/18-86-Conf-Exp.

¹¹ ICC-01/14-01/18-52-Conf-Exp.

¹² ICC-01/14-01/18-89-Conf-Exp. A public redacted version of the warrant of arrest is also available; see [ICC-01/14-01/18-89-Red](#).

¹³ Registry, Rapport du Greffe sur la Remise de Patrice-Edouard Ngaïssona, ICC-01/14-01/18-101-US-Exp, paras 5-14.

¹⁴ Pre-Trial Chamber II, Decision designating a Single Judge, 6 December 2018, ICC-01/14-01/18-90.

¹⁵ ICC-01/14-01/18-98-Conf-Exp.

¹⁶ ICC-01/14-01/18-98-Conf-Exp, paras 8-11.

¹⁷ ICC-01/14-01/18-106-Conf-Exp. A confidential *ex parte*, redacted version is also available; see ICC-01/14-01/18-106-Conf-Exp-Red.

8. On 6 February 2019, upon request by the Prosecutor,¹⁸ the Chamber issued the ‘Third Decision pursuant to Regulation 101 of the Regulations of the Court’, thereby provisionally extending the restrictions on Ngaïssona’s contacts until 1 March 2019.¹⁹

9. On 20 February 2019, the Chamber issued the ‘Decision on the joinder of the cases against Alfred Yekatom and Patrice-Edouard Ngaïssona and other related matters’, thereby joining the cases against Yekatom and Ngaïssona.²⁰

10. On 1 March 2019, the Chamber issued the ‘Decision Pursuant to Regulation 101 of the Regulations of the Court’, thereby provisionally extending, until 15 April 2019 (inclusive), the restrictive measures concerning Yekatom’s and Ngaïssona’s communications and contacts put in place by way of the 17 November 2018 Decision and the 23 January 2019 Decision respectively, as modified by the 10 January 2019 Decision and the 29 January 2019 Decision respectively, with the following modifications: (i) non-privileged telephone conversations by Yekatom and Ngaïssona and visits to them (apart from private family visits) are to be actively monitored at random; (ii) Ngaïssona may receive private family visits – from his wife and children only – without any monitoring or the use of ‘sensitive listening devices’; and (iii) in conducting the verification procedure concerning individuals whom the suspects wish to add to their non-privileged contact lists and/or whom they wish to receive visits from, the Chief Custody Officer may request the support of the Victims and Witnesses Unit (the ‘VWU’ and the ‘1 March 2019 Decision’).²¹

11. On 15 April 2019, the Chamber issued the ‘Decision Pursuant to Regulation 101 of the Regulations of the Court’, thereby: (i) rejecting the Prosecutor’s request to reinstate the original contact restrictions initially imposed on Yekatom and Ngaïssona as well as the Prosecutor’s related requests; (ii) deciding to extend the regime of restrictions on contacts – put in place by way of the 17 November 2018 Decision, as modified by the 10 January 2019 Decision and the 1 March 2019 Decision for Yekatom and put in place by way of the 23 January 2019 Decision, as modified by the

¹⁸ ICC-01/14-01/18-112-Conf-Exp. A confidential redacted version is also available; see ICC-01/14-01/18-112-Conf-Red.

¹⁹ ICC-01/14-01/18-114-Conf-Exp, para. 11, p. 7. A confidential *ex parte*, redacted version is also available; see ICC-01/14-01/18-114-Conf-Exp-Red.

²⁰ [ICC-01/14-01/18-87](#); [ICC-01/14-01/18-121](#).

²¹ ICC-01/14-01/18-137-Conf-Exp.

29 January 2019 Decision and the 1 March 2019 Decision for Ngaïssona - and to maintain it for the remainder of the pre-trial proceedings; (iii) ordering the Registrar to submit to the Chamber separate reports on the implementation of the restrictive measures concerning Yekatom's and Ngaïssona's communications and contacts every two months and to inform the Chamber immediately of any violation of the applicable regime; (iv) ordering the Prosecutor to submit observations on the Registry reports, if any, within five days of the notification of the Registry reports, and ordering the Yekatom Defence and the Ngaïssona Defence to submit observations on the Registry reports and the Prosecutor's observations, if any, within 10 days of notification of the Registry reports; (v) instructing the Registry to ensure that any time required to set up a telephone call does not affect the time allotted to Yekatom and Ngaïssona to speak on the telephone; (vi) rejecting any other requests to vary the restrictive measures concerning Ngaïssona's communications and contacts; and (vii) granting the request by the Ngaïssona Defence to include its case manager in the list of persons entitled to privileged visits with Ngaïssona.²²

12. On 15 May 2019, the Chamber issued the 'Decision on the "Prosecution's Request to Postpone the Confirmation Hearing and all Related Disclosure Deadlines"', thereby deciding that the confirmation hearing in the case against Yekatom and Ngaïssona shall commence on 19 September 2019.²³

13. On 9 July 2019, the Chamber issued the 'Decision Pursuant to Regulation 101 of the Regulations of the Court', thereby: (i) rejecting the Prosecutor's request to impose the 'most stringent' conditions on Ngaïssona's contacts and her requests regarding the decision of the ICC Detention Centre Chief Custody Officer (the 'CCO') [REDACTED]; (ii) ordering the Registry to substantially increase the random monitoring of Ngaïssona's telephone calls with [REDACTED] as well as such persons' visits to Ngaïssona; and (iii) rejecting the Ngaïssona Defence's request to terminate the restrictions on Ngaïssona's contacts.²⁴

²² ICC-01/14-01/18-176-Conf-Exp. A confidential redacted version is also available; see ICC-01/14-01/18-176-Conf-Red.

²³ [ICC-01/14-01/18-199](#).

²⁴ ICC-01/14-01/18-240-Conf-Exp.

14. On 15 August 2019, the Chamber received the ‘Fifth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by the Pre-Trial Chamber II’ (the ‘Fifth Registry Report’).²⁵

15. On 26 August 2019, the Chamber received the ‘Prosecution’s Observations Pursuant to the “Decision Pursuant to Regulation 101 of the Regulations of the Court”, ICC-01/14-01/18-176-Conf-Exp (the ‘Prosecutor’s Observations on the Fifth Registry Report’).²⁶

16. On 29 August 2019, the Chamber received the ‘Defence Observations Pursuant to the “Decision Pursuant to Regulation 101 of the Regulations of the Court” (ICC-01/14-01/18-176-Conf-Red)’ (the ‘Defence Observations on the Fifth Registry Report’).²⁷

17. On 13 September 2019, the Registry submitted the ‘Sixth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II’ (the ‘Sixth Registry Report’).²⁸

18. On 18 September 2019, the Chamber received the ‘Defence Response to the “Sixth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II”’.²⁹

19. On 18 September 2019, the Chamber received the ‘Observations de l’Accusation sous le “Six [sic] Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Pre-Trial Chamber II”, 13 septembre 2019, ICC-01/14-01/18-337-Conf-Exp’.³⁰

20. On 18 September 2019, the Chamber issued its ‘Decision Pursuant to Regulation 101 of the Regulations of the Court’ (the ‘18 September 2019 Decision’), in which it *inter alia* (i) ordered that the Registry conduct an expanded investigation into

²⁵ ICC-01/14-01/18-276-Conf-Exp, together with a confidential, *ex parte* annex. A confidential *ex parte*, redacted version is also available; see ICC-01/14-01/18-276-Conf-Exp-Red.

²⁶ ICC-01/14-01/18-289-Conf-Exp.

²⁷ ICC-01/14-01/18-300-Conf-Exp.

²⁸ ICC-01/14-01/18-337-Conf-Exp. A confidential redacted version is also available, see ICC-01/14-01/18-337-Conf-Exp-Red.

²⁹ ICC-01/14-01/18-355-Conf-Exp.

³⁰ ICC-01/14-01/18-356-Conf-Exp.

Ngaïssona's non-privileged phone calls and to report back to the Chamber in the Seventh Registry Report by 30 September 2019; (ii) suspended Ngaïssona's non-privileged phone calls and non-family, non-privileged visits on an interim basis; (iii) ordered the active monitoring of Ngaïssona's family visits; and (iv) suspended all forms of communication between Ngaïssona and [REDACTED] with whom he engaged in coded conversation, on an interim basis.³¹

21. On 27 September 2019, the Registry submitted its 'Request for an Extension for the submission of the Seventh Report' (the 'Registry's Request').³²

22. On 27 September 2019, the Chamber determined that the deadline for the Seventh Registry Report would be provisionally extended, until further notice, to allow time for the parties to provide any observations on the request for an extension, and regarding the contact restrictions in place for Ngaïssona.³³ Any such observations were to be provided by 16:00 on 2 October 2019.³⁴

23. On 2 October 2019, the Ngaïssona Defence submitted the 'Consolidated Defence Observations Pursuant to the "Decision Pursuant to Regulation 101 of the Regulations of the Court"' (ICC-01/14-01/18-357-Conf-Exp) and the Registry's "Request for an Extension of time for the Submission of the Seventh Report" (ICC-01/14-01/18-362-Conf-Exp) (the 'Defence Observations').³⁵

II. Submissions

A. The Registry's Request

24. The Registry indicates that since the issuance of the 18 September 2019 Decision, 'the [REDACTED] Sango interpreters available have been fully engaged with the Confirmation of Charges hearing'. As such, they would only be able to begin their work in relation to the investigation, which involves 22 hours of material, on 30 September 2019. On this basis, the Registry submits that it is unable to provide the

³¹ ICC-01/14-01/18-357-Conf-Exp. A confidential redacted version is also available, see ICC-01/14-01/18-362-Conf-Exp-Red.

³² ICC-01/14-01/18-362-Conf-Exp. A confidential redacted version is also available, see ICC-01/14-01/18-362-Conf-Exp-Red.

³³ Email sent from Pre-Trial Chamber II to the Registry at 13:27 on 27 September 2019.

³⁴ Email sent from Pre-Trial Chamber II to the Ngaïssona Defence, the Prosecutor, the Detention Centre, and the VWU at 12:57 on 27 September 2019.

³⁵ ICC-01/14-01/18-373-Conf-Exp.

Seventh Registry Report by the 30 September 2019 deadline, and requests an extension to 4 November 2019.

B. The Ngaïssona Defence

1. The Registry's Request

25. The Defence submits that the Registry's Request should be rejected. The Defence notes that the Registry submitted its request one working day prior to the 30 September 2019 deadline, despite the fact that it would have been in a position to anticipate the need for an extension well before this time. In the view of the Defence, to give the Registry more than one additional month to submit the Seventh Registry Report 'would not be proportionate, given the extremely restrictive nature of the current restrictions' in place for Ngaïssona. In the alternative, should the Chamber grant the extension, the Defence requests that 'the interim restrictions regime should be immediately lifted' to prevent further serious prejudice to Ngaïssona.

2. Contact restrictions in place for Ngaïssona

26. The Defence requests that the Chamber lift the contact restrictions in place for Ngaïssona, including the suspension of [REDACTED] from his list of contacts. In the alternative, the Defence requests that the Chamber reduce the restrictions in place, and allow Ngaïssona to make and receive phone calls with his [REDACTED] family members.

27. The Defence notes that the Registry has provided excerpts of the relevant calls rather than complete transcripts. In the view of the Defence, this impedes its ability to present full submissions on this matter. As such, the Defence requests that the Registry be ordered to provide the full transcripts of the conversations from which the excerpts were extracted, and reserves its right to make further submissions once those transcripts are received.

28. The Defence has consulted with Ngaïssona about the conversations in question, and indicates that the '[REDACTED]' and the '[REDACTED]' are one and the same individual. According to the Defence, this individual is an acquaintance of Ngaïssona's, and [REDACTED]. This individual contacted Ngaïssona around two years ago to [REDACTED]. The Defence submits that Ngaïssona and [REDACTED] do not know this individual's name, which is why they referred to her as the '[REDACTED]' in their conversations. The Defence indicates that it is not an uncommon cultural practice in

Africa for those with sufficient means to help those in need, and that Ngaïssona ‘does not remember the names of every person he has helped’.

29. When Ngaïssona told [REDACTED] ‘[REDACTED]’, the Defence submits that Ngaïssona was referring to the fact that this individual works for [REDACTED]. In regard to the reference to ‘[REDACTED]’, the Defence submits that Ngaïssona asked the woman to [REDACTED]. The Defence has provided what it believes to be the telephone number for this individual, but has not directly contacted her so as ‘to avoid any appearance of meddling with the Registry’s investigations’.

30. In regard to the incident in which [REDACTED] placed him on speaker phone with a third party, the Defence reiterates its submission that Ngaïssona was unaware that this action would constitute a violation of the Chamber’s restrictions.

31. Concerning the conversations involving [REDACTED] ‘[REDACTED]’, the Defence submits that this refers to the [REDACTED], who is named [REDACTED], and ‘[REDACTED] [REDACTED]’. On [REDACTED], Ngaïssona suggested that [REDACTED]. As to the fact that Ngaïssona and [REDACTED] did not refer to this person by name, the Defence submits that Central Africans ‘often do not refer to persons by their first or even last names, as this is often considered a sign of disrespect, especially if this person is older than oneself’.

32. The Defence submits that Ngaïssona’s only form of communication at present is with immediate family visits, which have been reduced since visits are no longer possible on [REDACTED]. These visits are also considerably shorter at present due to the requirement of active monitoring. In addition, the Defence submits that Ngaïssona’s family members are ‘for the most part unable to travel to The Hague to visit him [REDACTED]’, and ‘telephone calls were Mr Ngaïssona’s main method of communication with his family’.

33. The Defence notes that prior to the Fifth Registry Report, no incidents were reported in respect to Ngaïssona, and that Ngaïssona’s ‘fundamental human rights further outweigh the maintaining of the restrictions on communications’.

III. Determination by the Chamber

34. The Chamber notes articles 57(3)(a) and 68(1) of the Rome Statute, regulations 35, 99(1)(i), 100 and 101 of the Regulations and regulations 173, 174, 175, 183 and 184 of the Regulations of the Registry.

35. The Chamber notes that, pursuant to regulation 35(2) of the Regulations, a ‘Chamber may extend or reduce a time limit if good cause is shown’. In considering the request for an extension of time, the Chamber has noted the volume of material for review, the limited number of Sango interpreters, and the resulting constraints on the Language Services Section. As such, the Chamber considers that good cause has been shown for an extension of the deadline in the present circumstances and, accordingly, grants the Registry Request. The Chamber further specifies that the Registry shall submit all versions of the Seventh Registry Report, which shall contain the results and analysis of the completed investigation, as set out in the 18 September 2019 Decision. Should the Registry find that it is able to complete its investigation prior to this deadline, the Chamber encourages the Registry to provide its findings as soon as possible.

36. Regarding the Defence’s request for access to transcripts, the Chamber finds that it is appropriate to grant Ngaïssona access to the full transcripts of the calls in question. Accordingly, the Chamber orders the Registry to provide complete transcripts of the calls referenced in the Fifth Registry Report and the Sixth Registry Report to the Ngaïssona Defence by 4 November 2019.

37. In relation to the restrictions on Ngaïssona’s contacts, the Chamber has, at the outset, considered the explanations provided by the Defence regarding Ngaïssona’s past conversations and the language used. The Chamber considers that certain of these explanations fall short. First, the Chamber is not persuaded by the Defence’s submission that Ngaïssona was unaware that speaking to someone via speaker phone would constitute a violation of the Chamber’s contact restrictions. Second, the Chamber notes the Defence submission that Ngaïssona and [REDACTED] referred to an individual as the ‘[REDACTED]’ because they did not recall her name. The Chamber finds it implausible that Ngaïssona and [REDACTED] continued to be unaware of this individual’s name, even as [REDACTED] placed her on speaker phone to talk to Ngaïssona during the call of [REDACTED]. The Chamber notes that Ngaïssona and [REDACTED] continued to refer to this individual in similarly obscure terms in conversations that took place after the [REDACTED] call.³⁶ By doing so, it appears

³⁶ The Chamber notes, for example, that in an [REDACTED] call, Ngaïssona asked [REDACTED] if ‘[REDACTED]’ had called again. See the Sixth Registry Report, para. 13.

that Ngaïssona deliberately used coded language to conceal the identity of this individual. The Chamber continues to view this as a serious matter.

38. The Chamber recalls that it must determine whether the restrictions in place are necessary and proportionate to the aim of ensuring the integrity of the proceedings. In making this assessment, the Chamber has reviewed the information contained in the Fifth Registry Report and the Sixth Registry Report, as well as the Defence Observations. The Chamber remains mindful of Ngaïssona's right to privacy and family life, and notes the Defence's submission that Ngaïssona's main form of communication with his family is through phone calls. The Chamber notes the duration of the contact restrictions for Ngaïssona, and in particular, that the current restrictions have been in place since 18 September 2019.

39. Noting the above, and taking into account the current stage of the proceedings, the Chamber finds that, in order to ensure the integrity of the proceedings, it is necessary to maintain the existing restrictions for Ngaïssona until the end of the confirmation of charges hearing. Accordingly, the restrictions as set out in the 18 September 2019 Decision shall remain in place until the final day of the hearing, 11 October 2019, inclusive.

40. The Chamber finds that from 12 October 2019 onward, following the conclusion of the confirmation of charges hearing, the contact restrictions for Ngaïssona shall be modified as follows:

- Ngaïssona shall be granted one hour of non-privileged phone calls with his family per week, subject to active monitoring;
- [REDACTED] with whom he engaged in coded conversations shall remain excluded from Ngaïssona's list of contacts until further notice; and
- Ngaïssona's family visits shall remain subject to active monitoring.

41. This restriction regime will remain in place for the remainder of the pre-trial proceedings. However, this finding is subject to re-evaluation upon the receipt of compelling information, including, but not limited to, the investigative findings of the Registry that shall be provided in the Seventh Registry Report.

42. The Chamber considers the above outlined measures to be the least restrictive measures available. As regards the proportionality of the restrictions, the Chamber

notes that Ngaïssona will continue to have actively monitored visits with his wife and family members, [REDACTED], until the end of the confirmation of charges hearing. Upon the conclusion of the confirmation hearing, Ngaïssona will be able to contact his family through actively monitored telephone conversations. The Chamber considers that, at this time, Ngaïssona's right to privacy and family life is being appropriately balanced with the objective of ensuring the integrity of the proceedings.

FOR THESE REASONS, THE CHAMBER HEREBY

- a) **GRANTS** the Registry's Request, as specified in the present decision;
- b) **DIRECTS** the Registry to provide the Ngaïssona Defence with the complete transcripts of the conversations referred to in the Fifth Registry Report and the Sixth Registry Report by 4 November 2019;
- c) **EXTENDS** the existing contact restrictions for Ngaïssona, as set out in the 18 September 2019 Decision, until 11 October 2019, inclusive;
- d) **REJECTS** the Defence request to reinstate [REDACTED] to his list of contacts; and **DETERMINES** that all forms of communication between Ngaïssona and [REDACTED] with whom he engaged in coded conversation shall remain suspended until further notice;
- e) **DETERMINES** that as of 12 October 2019, Ngaïssona shall be granted one hour per week of actively monitored, non-privileged phone calls with his family and that Ngaïssona's family visits shall remain subject to active monitoring;
- f) **REMINDS** Ngaïssona to avoid using coded or obscure language in phone calls and during visits; and
- g) **AUTHORISES** the Detention Centre and the Registry to continue to set such time limits as necessary on Ngaïssona's family visits, so as to allow for the effective monitoring of the visits.

Done in both English and French, the English version being authoritative.

/Signed/

Judge Antoine Kesia-Mbe Mindua

Presiding Judge

/Signed/

/Signed/

Judge Tomoko Akane

Judge Rosario Salvatore Aitala

Dated 17 March 2021

At The Hague, The Netherlands