



Original : English

No.: ICC-01/14-01/18
Date: 04 November 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 Public Annexes 1 to 40
and
Confidential Annexes 1 to 23 and 25 to 40
Confidential EX PARTE Annex 24 only available to the Ngaïssona Defence and the
Registry
Fifth Registry Quarterly Report on Decisions issued by way of e-mail from 11 June
to 31 October 2021

Source : Registry

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Mr Karim A. A. Khan

Mr James Stewart

Mr Kweku Vanderpuye

Counsel for Alfred Yekatom

Ms Mylène Dimitri

Mr Thomas Hannis

Counsel for Patrice-Edouard Ngaïssona

Mr Geert-Jan Alexander Knoops

Mr Richard Omissé-Namkeamaï

Ms Marie-Hélène Proulx

Legal Representatives of the Victims

Mr Dmytro Suprun

Mr Abdou Dangabo Moussa

Ms Elisabeth Rabesandratana

Mr Yaré Fall

Ms Marie-Edith Douzima-Lawson

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. Introduction

1. The Registry submits with the present report and its 40 annexes, the public and confidential versions of email decisions (“Report on Email Decisions”)¹ pursuant to the “Initial Directions on the Conduct of the Proceedings” (“Initial Directions”), issued on 26 August 2020 by Trial Chamber V (“Chamber”)².
2. Pursuant to the Presiding Judge’s instructions to the Registry dated 13 April 2021, the Registry files the confidential versions simultaneously with the public versions.³

II. Procedural History

3. On 26 August 2020, the Chamber issued the Initial Directions instructing the Registry to file all email decisions on the case record in quarterly reports (“the Registry Reports”) starting 15 September 2020.⁴
4. The Chamber directed the parties and participants to: a. frame their requests made by email in a way that make their publicity possible; b. indicate in the email when emails cannot be made public at all.⁵
5. The Presiding Judge clarified in the Initial Directions that emails related to the submission of evidence should not be part of the Reports on e-mail Decisions.⁶

¹ The present report is submitted with a delay due to an internal oversight by the Court Management Section.

² Trial Chamber V, Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, 26 August 2020, para. 76.

³ Trial Chamber V Communications email to the Registry’s CMS, dated 13 April 2021 at 15:45.

⁴ *Ibid.*

⁵ *Ibid.*, para 78.

⁶ *Ibid.*, footnote 58.

6. On 13 April 2021, the Presiding Judge instructed the Registry to additionally file confidential versions of the Registry Reports and further ordered these confidential versions to be filed simultaneously with the public version.⁷

III. Level of classification

7. Pursuant to regulation 23bis(1) of the Regulations of the Court, some of the annexes are classified as “confidential” and “confidential *ex parte*” because they refer to sensitive information that should not be disclosed to the public.

IV. Applicable law

8. For the purpose of the present submission, the Registry has considered articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

V. Submissions

9. In the Initial Directions, the Presiding Judge provided criteria for the application of the redactions to the email decisions. The Registry is instructed, *inter alia*, to: “[...] apply the following redactions: (i) names of Chambers staff members, where applicable; (ii) names of Registry staff members, if deemed necessary by the Registry; and (iii) any personal email address or other private or personal information. The Registry shall consult the participants on the redactions applied. In case of disagreement, the Chamber will rule.”⁸
10. In order to enable the parties and participants to suggest specific additional redactions, the Registry liaised with the Office of the Prosecutor (“Prosecution”), the Defence for Mr Yekatom, the Defence for Mr Ngaïssona, the Legal Representatives of Victims for the Former Child Soldiers (“CLRV1”)

⁷ See *supra* note 3.

⁸ *Ibid*, para. 77.

and the Legal Representatives of Victims of the Other Crimes (“CLRV2”) by email.⁹

11. Redaction proposals were received from the parties and participants and subsequently considered by the Registry.

12. Accordingly, the Registry applied redactions to emails set forth in the following 40 public annexes:

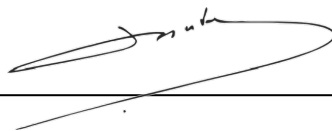
- **Annex 1:** P-0952 Upcoming Testimony, dated 08 June 2021 at 18:57;
- **Annex 2:** Ngaïssona Defence Request to Conduct In-Person Visits at the Detention Centre for the fourth block, dated 15 June 2021 at 10:25;
- **Annex 3:** P-0306 Redactions Lift Request, dated 17 June 2021 at 15:41;
- **Annex 4:** Publishing of prior recorded testimonies, dated 18 June 2021 at 18:14;
- **Annex 5:** Direction to file confidential versions of the Registry's reports on the evidence recognised as formally submitted, dated 22 June 2021 at 09:31;
- **Annex 6:** Familiarisation Package for P-2328, dated 25 June 2021 at 12:50;
- **Annex 7:** Decision on scheduling matters regarding the 4th evidentiary block, dated 1 July 2021 at 16:46;
- **Annex 8:** Amended schedule on 19 July 2021, dated 01 July 2021 at 17:44;
- **Annex 9:** Familiarisation Package for P-0291, dated 02 July 2021 at 13:46;
- **Annex 10:** RE: TC V Decision on VWU's requests regarding implementation of Decision ICC-01/14-01/18-981-Conf-Red, dated 07 July 2021 at 08:15;
- **Annex 11:** Ngaïssona Defence List of Documents for P-2328, dated 07 July 2021 at 08:35;
- **Annex 12:** Request for leave for late addition of three documents to P-2328 list of documents, dated 07 July 2021 at 08:36;
- **Annex 13:** Remote attendance of the Rule 74 Counsel for P-0884, dated 07 July 2021 at 14:52;

⁹ Several emails sent by the Court Management Section on 2 September 2021 containing annexes 1 to 29 and on 1 November 2021 containing annexes 30 to 40.

- **Annex 14:** Request to modify Initial Directions, dated 07 July 2021 at 17:05;
- **Annex 15:** Decision on the Ngaïssona Defence's Request Pursuant to Regulation 35 to Respond to the Prosecution's Rule 68(3) Request for witness P-0306 (ICC-01/14-01/18-1061-Conf), dated 14 July 2021 at 18:10;
- **Annex 16:** Proposed Redactions to P-2841's transcripts, dated 5 July 2021 at 08:40;
- **Annex 17:** VPRS request for TC V's approval of new type of identity document for victim application process, dated 15 July 2021 at 08:43;
- **Annex 18:** Interpretation, dated 6 July 2021 at 12:08;
- **Annex 19:** Yekatom Defence request for leave to amend its List of Material for P-0884, dated 19 July 2021 at 16:22;
- **Annex 20:** Suspension of deadlines during the recess, dated 23 July 2021 at 14:11;
- **Annex 21:** Extension of Page Limits, dated 23 July 2021 at 16:15;
- **Annex 22:** Notice of withdrawal of witnesses P-0627 and P-1815, dated 30 July 2021 at 18:48;
- **Annex 23:** Chamber's Determination of Prosecution Request under Rule 68(3) of the Rules, dated 06 August 2021 at 16:28;
- **Annex 24:** Urgent Ngaïssona Defence Request to temporarily depart from the current restriction regime under regulation 101 of the RoC, dated 13 August 2021 at 08:57;
- **Annex 25:** Rule 68 statements and public hearings, dated 20 August 2021 10:16
- **Annex 26:** Interpretation, dated 20 August 2021 at 10:27;
- **Annex 27:** Decision regarding the witnesses scheduled for evidentiary block 5, dated 21 August 2021 at 18:19;
- **Annex 28:** Metadata of audio CAR-OTP-2000-0603, dated 23 August 2021 08:45;
- **Annex 29:** OTP redactions to transcripts P-2673, dated 24 August 2021 at 09:18.
- **Annex 30 :** No hearing on 19 November 2021, dated 01 September 2021 at 12:01;

- **Annex 31:** Request for leave to add one document to the List of Documents, dated 02 September 2021 at 07:56;
- **Annex 32:** Interpretation, dated 22 September 2021 at 15:21;
- **Annex 33:** Clarification of the Witness Familiarisation Protocol (ICC-01/14-01/18-677-AnxI), dated 23 September 2021 at 16:58;
- **Annex 34:** OTP Examination list P-0306 and Summary - Additional ERN, dated 28 September 2021 at 10:51;
- **Annex 35:** OTP Examination list P-0306 and Summary - Additional ERN, dated 28 September 2021 at 13:54;
- **Annex 36:** OTP request to add P-0306's Annexes to List of Evidence, dated 29 September 2021 at 10:00;
- **Annex 37:** Order shortening deadline for responses to Prosecution request, dated 29 September 2021 at 14:33 ;
- **Annex 38:** P-2388 Request under 68(3), dated 06 October 2021 at 10:51;
- **Annex 39:** Evidentiary blocks January-July 2022, dated 08 October 2021 at 18:05; and
- **Annex 40:** OTP lesser redacted versions of transcripts of P-2251, dated 13 October 2021 at 12:15 .

13. In addition, the Registry submits simultaneously the 40 annexes listed above in their confidential version and confidential *ex parte* version where applicable.



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

Dated this 04 November 2021

At The Hague, The Netherlands