



Original : English

No.: ICC-01/14-01/18
Date: 21 February 2022

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 42
and
Confidential Annexes 1 to 33 and 36 to 42
Confidential EX PARTE Annexes 34 and 35 only available to the Defence for Mr
Yekatom and the Registry

Sixth Registry Quarterly Report on Decisions issued by way of e-mail from 1
November 2021 to 31 January 2022

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**

Other

I. Introduction

1. The Registry submits with the present report and its 42 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 makes 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 in 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 CMS, dated 13 April 2021 at 15h45.

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 versions.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 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 by way of email 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

⁷ See *supra* note 3.

⁸ *Ibid*, para. 77.

("CLRV1") and the Legal Representatives of Victims of the Other Crimes ("CLRV2").⁹

11. Redaction proposals were received from the parties and participants and subsequently considered by the Registry.¹⁰

12. Accordingly, the Registry applied redactions to emails set forth in the following 42 public annexes:

- **Annex 1:** RE: OTP Request to add to List of Exhibits of P-2843, dated 03 November 2021 at 14:52;
- **Annex 2:** TC V Decision on Rule 74 duty counsel for P-2843, dated 03 November 2021 at 16:00;
- **Annex 3:** RE: TC V Decision on Rule 74 duty counsel for P-2843, dated 03 November 2021 at 18:26;
- **Annex 4:** RE: OTP Request to add to List of Exhibits of P-2843, dated 04 November 2021 at 16:41;
- **Annex 5:** Decision on Request for Rule 74 assurances for P-2843, dated 04 November 2021 at 19:08;
- **Annex 6:** Decision on Request for Reclassification of filing ICC-01/14-01/18-1152-Conf, dated 09 November 2021 at 18:52;
- **Annex 7:** RE: D30 Ngaïssona Defence List of Material - Witness P-2232, dated 15 November 2021 at 16:01;
- **Annex 8:** RE: Yekatom Defence Request for leave to add one item to its list of material for P-2232, dated 15 November 2021 at 16:03;
- **Annex 9:** RE: D30 Ngaïssona Defence List of Material - Witness P-2232, dated 16 November 2021 at 09:29;

⁹ Emails sent by the Court Management Section on 16 February 2022 at 18:29, 18:30, 18:33 containing annexes 1 to 33, 36 to 42 and 34 to 35 respectfully.

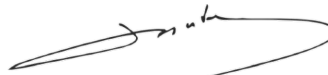
¹⁰ Emails sent by the Prosecution on 18 February 2022 at 11:02 containing further redactions for annexes 1, 4, 5, 8, 12, 13, 17, 23, 24, 25, 26, 27 and 28.

- **Annex 10:** Decision on Yekatom Defence Request to vary time limit to respond to filings 1176-Conf and 1179-Conf, dated 19 November 2021 at 16:28;
- **Annex 11:** Amended sitting hours for P-1521's testimony, dated 25 November 2021 at 12:06;
- **Annex 12:** RE: Proposed Redactions to P-0291's transcripts, dated 25 November 2021 at 15:22;
- **Annex 13:** Decision pertaining to the OTP list of material for P-1521, dated 25 November 2021 at 18:54;
- **Annex 14:** RE: Request - Printing of physical binders, dated 26 November 2021 at 10:40;
- **Annex 15:** RE: Ngaïssona Defence request to amend its List of Materials for Witness P-1521, dated 01 December 2021 at 15:17;
- **Annex 16:** RE: Yekatom Defence Request for leave to add two items to its list of material for P-1521, dated 01 December 2021 at 17:55;
- **Annex 17:** RE: OTP lesser redacted versions of transcripts of P-0306, dated 01 December 2021 at 18:26;
- **Annex 18:** Amended sitting hours - 6 December 2021, dated 02 December 2021 at 10:20;
- **Annex 19:** No hearing on 20 January 2022, dated 02 December 2021 at 16:31;
- **Annex 20:** Information on action taken in relation to interpretation/transcription issues, dated 03 December 2021 at 15:33;
- **Annex 21:** RE: Consolidated Defence Request - Detention Centre schedule, dated 06 December 2021 at 09:55;
- **Annex 22:** Order shortening response deadline to 'Urgent Request for Assurances under Rule 74(3)(c) of the Rules' (1199-Conf), dated 06 December 2021 at 12:30;
- **Annex 23:** Decision on 'Urgent Request for Assurances under Rule 74(3)(c) of the Rules' (1199-Conf), dated 06 December 2021 at 17:28;
- **Annex 24:** RE: Request for leave to add three documents to the List of Documents – Witness P-0876, dated 13 December 2021 at 14:03;

- **Annex 25:** RE: Courtesy copy - Prosecution's submission pursuant to regulation 35 to vary the time limit to review evidence in its possession and confirm on the record that all documents falling within its disclosure obligations have indeed been disclosed, dated 10 December 2021 at 11:12;
- **Annex 26:** RE: Request for leave to add three documents to the List of Documents – Witness P-0876; dated 13 December 2021 at 14:03;
- **Annex 27:** Suspension of deadlines during the recess, dated 14 December 2021 at 09:59;
- **Annex 28:** RE: Request for extension of deadlines to respond to Prosecution filings ICC-01/14-01/18-1217-Conf, ICC-01/14-01/18-1218-Conf, and ICC-01/14-01/18-1219-Conf, dated 20 December 2021 at 09:27;
- **Annex 29:** Order to reclassify ICC-01/14-01/18-1230-Conf, dated 04 January 2022 at 13:38;
- **Annex 30:** Order shortening deadlines for responses to ICC-01/14-01/18-1232-Conf-Exp, dated 05 January 2022 at 10:37;
- **Annex 31:** Order shortening deadline for responses to filing ICC-01/14-01/18-1235, dated 07 January 2022 at 16:41;
- **Annex 32:** Decision on Additional Request for Extension of deadline to respond to ICC-01/14-01/18-1217-Conf & ICC-01/14-01/18-1218-Conf, dated 10 January 2022 at 14:12;
- **Annex 33:** Decision on Request for extension of time to respond to ICC-01/14-01/18-1233, dated 11 January 2022 at 14:47;
- **Annex 34:** Chamber's order in relation to the Yekatom Defence's urgent request to access to meet Mr. Yekatom at the Detention Center, dated 13 January 2022 at 16:20;
- **Annex 35:** Chamber's ruling in relation to the Yekatom Defence's urgent request to access to meet Mr. Yekatom at the Detention Center, dated 13 January 2022 at 18:16;

- **Annex 36:** RE: Yekatom Request following the Prosecution's Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-0888, dated 14 January 2022 at 12:47;
- **Annex 37:** Cancellation of hearing, dated 16 January 2022 at 12:08;
- **Annex 38:** Cancellation of hearings, dated 17 January 2022 at 12:25;
- **Annex 39:** Cancellation of hearings, dated 23 January 2022 at 12:42;
- **Annex 40:** Cancellation of hearings and additional hearing dates, dated 24 January 2022 12:15;
- **Annex 41:** Reclassification order, dated 26 January 2022 at 16:20; and
- **Annex 42:** Decision on the Ngaïssona's Request for an Extension of Time to Respond to Filing ICC-01/14-01/18-1228-Conf, dated 31 January 2022 at 18:21.

13. In addition, the Registry simultaneously submits the 42 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 21 February 2022

At The Hague, The Netherlands