



Original : English

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

Date: 16 March 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 11
and
With Confidential Annexes 1 to 2 and 4 to 11
Confidential EX PARTE Annex 3 only available to the Prosecution and the
Registry

***Addendum to “Fourth Registry Report on Decisions issued by way of e-mail from
15 March 2021 to 10 June 2021” dated 14 June 2021 (ICC-01/14-01/18-1025 and ICC-
01/14-01/18-1026)***

Source : Registry

The Office of the Prosecutor

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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**Victims Participation and Reparations
Section****Other**

I. Introduction

1. Pursuant to the email instruction from Trial Chamber V (“Chamber”),¹ the Registry hereby submits an addendum to the “Fourth Registry Report on Decisions issued by way of e-mail from 15 March 2021 to 10 June 2021” (“Report”).²

II. Procedural History

2. 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 (“Registry Reports”) starting 15 September 2020.³
3. On 13 April 2021, the Chamber 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.⁴
4. On 14 June 2021, the Registry submitted the Reports on Decisions issued by way of e-mail from 15 March 2021 to 10 June 2021.⁵
5. On 17 November 2021, the Chamber instructed the Registry to submit an addendum to the Report in order to include the email decisions omitted in the reporting period from 15 March 2021 to 10 June 2021.⁶

¹ Email from the Legal Officer of Trial Chamber V to the Registry dated 17 November 2021 at 14.11.

² Registry, Confidential Version of Fourth Registry Report on Decisions issued by way of e-mail from 15 March 2021 to 10 June 2021, 14 June 2021, ICC-01/14-01/18-1026.

³ Trial Chamber V, Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, 26 August 2020, para. 76.

⁴ E-mail sent by Trial Chamber V Communications to the Associate Legal Officers, Parties and Participants, on 13 April 2021 at 15:45.

⁵ Registry, Fourth Registry Report on Decisions issued by way of e-mail from 15 March 2021 to 10 June 2021, 14 June 2021, ICC-01/14-01/18-1026 and Registry, Confidential Version of Fourth Registry Report on Decisions issued by way of e-mail from 15 March 2021 to 10 June 2021, 14 June 2021, ICC-01/14-01/18-1025.

⁶ Email from the Legal Officer of Trial Chamber V to the Registry dated 17 November 2021 at 14.11.

III. Level of classification

6. Pursuant to regulation 23bis(1) of the Regulations of the Court, Annexes 1 to 2 and 4 to 11 are classified as “confidential” because they refer to sensitive information that should not be disclosed to the public, whereas Annexes 3 is classified as “confidential *ex parte*” as it pertains to confidential matters between the Registry and the Office of the Prosecutor (“Prosecution”).

IV. Applicable law

7. 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

8. 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.”⁷
9. In order to enable the parties and participants to suggest specific additional redactions, the Registry liaised by way of email with the Prosecution, the Defence for Mr Yekatom, the Defence for Mr Ngaïssona, the Legal Representatives of Victims of the Former Child Soldiers (“CLRV1”) and the Legal Representatives of Victims of the Other Crimes (“CLRV2”).⁸

⁷ *Ibid*, para. 77.

⁸ Emails sent by the Court Management Section on 24 February 2022 at 17:57 and 18:00 containing annexes 1 - 11.

10. Redaction proposals were received from the parties and participants and subsequently considered by the Registry.⁹

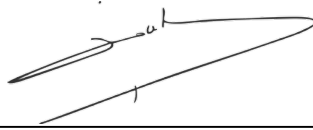
11. Accordingly, the Registry applied redactions to emails set forth in the following 11 public annexes:

- **Annex 1:** RE: Extension of time to file PRV of Prosecution DCC, dated 16 March 2021 at 17:48;
- **Annex 2:** RE: Request for Guidance as to the Scope of the "Protocol on the Handling of Confidential Information during Investigations and Contact between a Party or Participant and Witnesses of the Opposing Party or of a Participant", dated 17 March 2021 at 17:54;
- **Annex 3:** RE: Delayed Disclosure of the Identity and Materials related to Witness P-0306, dated 22 March 2021 at 08:39;
- **Annex 4:** RE: [Yekatom] Request for three in-person visits at the Detention Centre prior to 26 April 2021, dated 07 April 2021 at 10:55;
- **Annex 5:** RE: Ngaïssona Defence Request to Conduct In-Person Visits at the Detention Centre prior to the second block, dated 07 April 2021 at 10:58;
- **Annex 6:** Chamber's Determination of Prosecution Requests under Rule 68(3) of the Rules, dated 15 April 2021 at 10:09;
- **Annex 7:** Order to increase the frequency of the Periodic Registry Reports on the Political and Security Situation in the CAR, dated 15 April 2021 at 10:38;
- **Annex 8:** RE: UN Request for Confidential Transcripts - P-0287, dated 15 April 2021 at 12:20;
- **Annex 9:** RE: Request for Expedious Ruling regarding the Familiarisation Package for P-0801, dated 16 April 2021 at 16:46;
- **Annex 10:** RE: Ngaïssona Defence Request to Conduct In-Person Visits at the Detention Centre prior to the third block, dated 30 April 2021 at 16:23; and

⁹ Email sent by the Prosecution on 02 March 2022 at 17:24 and 17:27 containing further redactions for annexes 3, 4, 7, 9, 10.

- **Annex 11:** RE: P-2926 - Examination Procedure- Corrected, dated 10 May 2021 at 18:08.

12. In addition, the Registry simultaneously submits the 11 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 16 March 2022

At The Hague, The Netherlands