



Original : English

N°: ICC-01/14-01/18
Date: 28 March 2023

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 Confidential Annex 1 and its Public Redacted Version

**Registry's Report on Evidence Recognised as Formally Submitted by the Chamber
for witness P-2353**

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 Mame Mandiaye Niang
Mr Kweku Vanderpuye

Counsel for Alfred Yekatom

Ms Mylène Dimitri
Ms Anta Guissé

Counsel for Patrice-Edouard Ngaïssona

Mr Geert-Jan Alexander Knoops
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

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits the present report (“Registry Report”) and its two annexes consisting of a confidential version of items recognised as evidence formally submitted and its public redacted version, pursuant to the “Initial Directions on the Conduct of the Proceedings” (“Directions”),¹ issued on 26 August 2020 by Trial Chamber V (“Chamber”).

II. Procedural history

2. On 26 August 2020, the Presiding Judge issued the Directions which adopted, among other guidelines, provisions related to the submission of evidence by email.² The Registry was directed to file on the record of the case reports indicating which items have been formally submitted by all participants in relation to each witness who testifies.³
3. On 22 June 2021, the Chamber instructed the Registry to additionally file confidential versions of the Registry Reports, in order to fully reflect the emails on the case record. The Chamber further instructed that these confidential versions be filed simultaneously with the public version.⁴
4. From 19 to 20 September 2022, the Office of the Prosecution (“Prosecution”) called its forty-fifth witness.⁵ After the conclusion of the examination of witness P-2353, parties formally submitted items used during the hearings as instructed in the Directions.

¹ Trial Chamber V, “Initial Directions on the Conduct of the Proceedings”, 26 August 2020, ICC-01/14-01/18-631, para 63.

² *Ibid.*, para. 63(i).

³ *Idem.*, para. 63(v).

⁴ E-mail sent by Trial Chamber V Communications to the Associate Legal Officers, Parties and Participants, on 22 June 2021 at 09:31.

⁵ Transcript of 19 September 2022, ICC-01/14-01/18-T-161-RT-ENG and Transcript of 20 September 2022, ICC-01/14-01/18-T-162-RT-ENG.

5. On 27 March 2023, the Chamber issued the decision on items of evidence recognised as formally submitted for witness P-2353 via email.⁶ Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails enclosed in Annex 1 to the filing.⁷

III. Applicable law

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

IV. Submission

7. The Registry hereby attaches confidential Annex 1:
 - **Annex 1:** "Decision on Submitted Materials for P-2353", dated 27 March 2023 at 17.17.
8. In order to enable the parties and participants to suggest specific additional redactions to Annex 1, the Registry followed the procedure that was adopted in the Directions.⁸
9. The Registry liaised by email with the Prosecution, the Defence for Mr Yekatom, the Defence for Mr Ngaissona, the Legal Representatives of the Former Child Soldiers Victims ("CLRV1") and the Legal Representatives of the Victims of the Other Crimes ("CLRV2").⁹ Further redactions were proposed by the parties.¹⁰

⁶ Email sent by Trial Chamber V Communications on 27 March 2023 at 17:17.

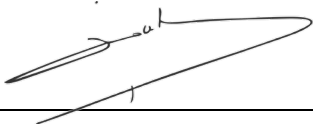
⁷ Trial Chamber V, "Initial Directions on the Conduct of the Proceedings", 26 August 2020, ICC-01/14-01/18-631, para. 63(v).

⁸ Trial Chamber V, "Initial Directions on the Conduct of the Proceedings", *op. cit.*, para 77.

⁹ Email sent by the Court Management Section on 28 March 2023 at 10:47 attaching Annex 1.

¹⁰ After *inter partes* consultation, the Registry received a response from the Prosecution with additional redactions, on 28 March 2023 at 12:11.

10. Accordingly, the Registry applied redactions to the emails set forth in the following public redacted version of **Annex 1**: “Decision on Submitted Materials for P-2353”, dated 27 March 2023 at 17.17.



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

Dated this 28 March 2023

At The Hague, The Netherlands