



Original : English

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

Date: 13 May 2024

**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 Annexes 1 to 18, 20 to 25, 27 to 43  
Confidential *EX PARTE* Annex 19 only available to the Registry,  
Confidential *EX PARTE* Annex 26 only available to the Defence for Mr Yekatom,  
and  
Public Redacted Annexes 1 to 43**

**Fifteenth Registry Quarterly Report on Decisions issued by way of e-mail from 1  
February 2024 to 30 April 2024**

**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  
Mr 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**

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**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. Introduction

1. The Registry submits with the present report and its 43 annexes, confidential and public redacted versions of email decisions (“Report on Email Decisions”) pursuant to the “Initial Directions on the Conduct of the Proceedings” (“Initial Directions”), issued on 26 August 2020 by Trial Chamber V (“Chamber”)<sup>1</sup>.
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.<sup>2</sup>

## 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.<sup>3</sup>
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.<sup>4</sup>
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.<sup>5</sup>

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<sup>1</sup> Trial Chamber V, Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, 26 August 2020, para. 76.

<sup>2</sup> Trial Chamber V Communications email to the Registry CMS, dated 13 April 2021 at 15h45.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, para 78.

<sup>5</sup> *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.<sup>6</sup>

### 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.”<sup>7</sup>
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 Ngaiissona,

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<sup>6</sup> See *supra* note 2.

<sup>7</sup> *Ibid*, para. 77.

the Legal Representatives of Victims for the Former Child Soldiers (“CLRV1”) and the Legal Representatives of Victims of the Other Crimes (“CLRV2”).<sup>8</sup>

11. Redaction proposals were received from the parties and participants and subsequently considered by the Registry.<sup>9</sup>

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

- **Annex 1:** Decision on the Yekatom Defence Request Regarding the Continuation of D29-3014's Testimony, dated 01 February 2024 at 09:38;
- **Annex 2:** Hearing on 2 February 2024 cancelled, dated 01 February 2024 at 16:32;
- **Annex 3:** Directions in relation to the deadline for Rule 68(3) requests and the next evidentiary block, dated 02 February 2024 at 11:09;
- **Annex 4:** Decision on the CLR1's request for guidance on the applicable deadline for any request for leave to present evidence in rebuttal or non-evidentiary views and concerns of participating victims, dated 07 February 2024 at 15:11;
- **Annex 5:** Order to reclassify ICC-01/14-01/18-2344-Conf, dated 13 February 2024 at 12:47;
- **Annex 6:** Order shortening deadlines to respond to ICC-01/14-01/18-2359 (Associate counsel's request for leave to withdraw), dated 14 February 2024 at 12:01;
- **Annex 7:** RE: Request to obtain documents from witness D30-4756, dated 15 February 2024 at 12:13;

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<sup>8</sup> Emails sent by the Court Management Section to the Parties, Participants and the Registry on 02 May 2024 at 11:31, 11:33, 11:37 and 11:40 containing confidential and confidential *ex parte* annexes where applicable.

<sup>9</sup> Email sent by the Prosecution on 08 May 2024 at 13:46 containing further redactions for annexes 11, 31, 35, 37, 41 and 43. Emails sent by the Registry on 03 and 08 May 2024 at 10:33, 15:51 and 17:32 containing further redactions for annexes 10, 11, 19, 38 and 40. Emails sent by the Defence for Mr Yekatom on 03 and 06 May 2024 at 19:00 and 14:41 containing further redactions for annexes 26 and 31. Email sent by the Defence for Mr Ngaissona on 02 May 2024 at 14:47 and 16:14 containing further redactions for annexes 2, 11, 16, 18 and 28.

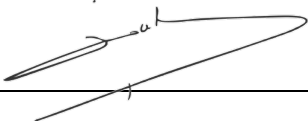
- **Annex 8:** Decision on Prosecution Request to obtain documents from witness D30-4756, dated 16 February 2024 at 09:22;
- **Annex 9:** Order shortening the deadline to respond to the Defence's request ICC-01/14-01/18-2366-Conf and order to provide Registry observations by 13:00 today, dated 16 February 2024 at 09:47;
- **Annex 10:** Decision on the Ngaïssona Defence's requests for temporary transfer and cancellation of hearings on 19 and 20 February 2024, dated 16 February 2024 at 17:31;
- **Annex 11:** Decision on in-court protective measures for D30-4756, dated 19 February 2024 at 13:40;
- **Annex 12:** Decision on the Defence Request for 10-day time limit to Respond to ICC-01/14-01/18-2361-Conf, dated 19 February 2024 at 14:21;
- **Annex 13:** Decision on Prosecution Request - Reclassification of filings : Prosecution's Submissions on the introduction of CAR-OTP-2126-2529, dated 19 February 2024 at 14:28;
- **Annex 14:** Cancellation of last session on 28 February 2024, dated 19 February 2024 at 14:48;
- **Annex 15:** Order shortening deadlines to respond to Urgent Request for Disclosure of Telecommunication Material related to Defence Witnesses, dated 19 February 2024 at 17:28;
- **Annex 16:** Decision on the Ngaïssona Defence's Request for a late start on 21 February 2024, dated 20 February 2024 at 17:47;
- **Annex 17:** Amended sitting hours - 27 February 2024, dated 22 February 2024 at 09:47;
- **Annex 18:** Decision on Yekatom Defence Request for authorization for P-4864 to bring laptop into Courtroom, dated 23 February 2024 at 17:32;
- **Annex 19:** Order concerning Potential Incident following Random Monitoring of Mr Yekatom's Communications, dated 26 February 2024 at 09:58;
- **Annex 20:** Decision on D30 Ngaïssona Objection to the Use of Prosecution's Material for the Examination of P-4864, dated 27 February 2024 at 09:34;

- **Annex 21:** Order on Prosecution Request for Reclassification of Filing ICC-01/14-01/18-2341-Conf, dated 27 February 2024 at 09:48;
- **Annex 22:** Decision and Order concerning ICC-01/14-01/18-2351-Conf and ICC-01/14-01/18-2361-Conf, dated 28 February 2024 at 12:06;
- **Annex 23:** Decision on further Ngaïssona Defence requests regarding the Prosecution's use of material for the examination of D30-4864, dated 29 February 2024 at 13:29;
- **Annex 24:** Order to reclassify ICC-01/14-01/18-2298-Conf, dated 05 March 2024 at 11:03;
- **Annex 25:** Order for reclassification of ICC-01/14-01/18-2282-Conf and ICC-01/14-01/18-2284-Conf, dated 11 March 2024 at 10:34;
- **Annex 26:** Decision on the Yekatom Defence Request not to share or publicly release certain information pertaining to D29-4011, dated 12 March 2024 at 16:59;
- **Annex 27:** Order for Reclassification of Filing ICC-01/14-01/18-2328-Conf, dated 13 March 2024 at 13:21;
- **Annex 28:** Cancellation of hearings 19-22 March 2024, dated 13 March 2024 at 17:02;
- **Annex 29:** Order to Provide Observations on In-Court Protective Measures for D30-4197 and D30-4720, dated 14 March 2024 at 10:13;
- **Annex 30:** Order for Reclassification of Filing ICC-01/14-01/18-2291-Conf, dated 14 March 2024 at 16:18;
- **Annex 31:** Decision on the Prosecution's Request for submission of item CAR-OTP-2083-3166, dated 15 March 2024 at 16:49;
- **Annex 32:** Order regarding the Testimony of Witness D29-P-6016, dated 18 March 2024 at 09:45;
- **Annex 33:** Order shortening deadline to respond to Yekatom Defence Request ICC-01/14-01/18-2425-Conf, dated 27 March 2024 at 10:40;
- **Annex 34:** Order shortening deadline to respond to Ngaïssona Defence Request ICC-01/14-01/18-2439-Conf, dated 09 April 2024 at 10:14;

- **Annex 35:** Decision on Contested Redactions to Lesser Redacted Version of P-1839's Transcripts, dated 11 April 2024 at 13:26;
- **Annex 36:** Order for Reclassification of Filings ICC-01/14-01/18-2289-Conf, ICC-01/14-01/18-2371-Conf, ICC-01/14-01/18-2381-Conf and ICC-01/14-01/18-2403-Conf, dated 11 April 2024 at 15:11;
- **Annex 37:** Decision on Contested Redactions to Lesser Redacted Version of P-2354's Transcript, dated 11 April 2024 at 17:02;
- **Annex 38:** Decision on P-4197's request to visit Mr Ngaissona in the detention centre, dated 17 April 2024 at 12:54;
- **Annex 39:** Decision on the Ngaissona Defence Request for Variation of Time to File a PRV of ICC-01/14-01/18-2395-Conf, dated 24 April 2024 at 09:50;
- **Annex 40:** Decision on D30-4720's request to meet with Mr Ngaissona, dated 24 April 2024 at 10:11;
- **Annex 41:** Decision on the Yekatom Defence's views on the Prosecution's proposed public redacted versions of prior recorded testimonies introduced under Rule 68, dated 24 April 2024 at 16:19;
- **Annex 42:** Order to Provide Observations on In-Court Protective Measures for D30-4504 and D30-4914, dated 25 April 2024 at 10:47; and
- **Annex 43:** Information - Prosecution Referral to CAR authorities regarding P-2638, dated 29 April 2024 at 16:31.



13. In addition, the Registry simultaneously submits the 43 annexes listed above in their confidential version and confidential *ex parte* version where applicable.



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Marc Dubuisson, Director, Division of Judicial Services  
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 13 May 2024

At The Hague, The Netherlands