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N° : ICC-01/14-01/18
Date: 17 December 2020

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 23**

**Second Registry Report on Email Decisions, Filing on the Case Record Decisions
issued by way of e-mail from 17 September 2020 to 7 December 2020**

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

I. Introduction

1. The Registry hereby submits the present report and its 23 annexes consisting of email decisions (“Report on Email Decision”) pursuant to the “Initial Directions on the Conduct of the Proceedings” (“Initial Directions”),¹ issued on 26 August 2020 by Trial Chamber V (“Chamber”).

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 (“Report(s) on Email Decisions”) starting 15 September 2020.²
3. 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.³
4. The Presiding Judge clarified in the Decision that emails related to the submission of evidence should not be part of the Reports on e-mail Decisions.⁴
5. On 16 December 2020, the Court Management Section (“CMS”) filed the first Report on Email Decisions.⁵

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

² *Ibid.* Following an e-mail of 15 December 2020 from Trial Chamber V Communications, the Court Management Section was allowed to extend the deadline of filing the Report on Email Decisions to Friday 18 December 2020.

³ *Ibid.*, para. 78.

⁴ *Ibid.*, footnote 58.

⁵ Registry Report Filing on the Case Record Decisions issued by way of e-mail from 27 March 2020 to 3 September 2020 - ICC-01/14-01/18-775 + Annexes.

III. Applicable law

6. 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.

IV. Submission

7. 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.”⁶
8. On 15 December 2020, CMS sent the email decisions, in their redacted form, pursuant to the Initial Directions, to the parties and participants for consultation on the redactions applied.⁷
9. On 15 and 16 December 2020, the Legal Representatives of Victims, the Defence teams and the Prosecution, where appropriate, reverted to CMS with their respective feedback .⁸
10. On 17 December 2020, the Victims and Witness Section (“VWS”) provided its feedback. ⁹

⁶ *Ibid.*, para. 77.

⁷ Emails sent by Registry CMS on 16 December 2020 at 9:16.

⁸ Email received by the Court Officer, on 15 December 2020, 20:17, and 16 December, 9:32, 10:30 and 16:14.

⁹ Email received by the Court Officer, on 17 December 2020, 14:32.

Accordingly, the Registry applied redactions to emails set forth in the following 23 annexes:

Annex 1 : Associate Counsel's Request for Withdrawal; 17 September 2020, 13:21.

Annex 2: 2. Decision on Prosecution Request pursuant to Regulation 35 to vary the Time Limit for the Submission of Applications pursuant to Rule 68 and information on other pending matters; 6 October 2020, 15:00.

Annex 3: Responses to Page Extension Request ICC-01/14-01/18-686-Conf; 19 October 2020, 16:48.

Annex 4: Order to provide unredacted statements; 21 October 2020, 19:00.

Annex 5: Concerning ICC-01/14-01/18-692-Conf;;26 October 2020, 16:39.

Annex 6: Decision on Prosecution Request ICC-01/14-01/18-668-Conf-Exp/Red; 27 October 2020, 10:30.

Annex 7: Further Observations on ICC-01/14-01/18-657-Conf, 30 October 2020; 10:10.

Annex 8: Reclassification of filing ICC-01/14-01/18-650-Red, 2 November 2020; 10:21.

Annex 9: Order for Periodic Registry Reports on the Political and Security Situation in the CAR; 4 November 2020, 13:22.

Annex 10: Request for clarification of the Chamber's 11 September 2020 Decision ICC-01/14-01/18-648-Conf-Exp; 4 November 2020, 17:23.

Annex 11: Inadvertent disclosure of information in CAR-OTP-2127-0653; 5 November 2020; 16:02.

Annex 12: Prosecution Request ICC-01/14-01/18-715-Conf; 6 November, 17:31.

Annex 13: Prosecution Request ICC-01/14-01/18-706-Conf-Exp; 6 November 2020, 17:56.

Annex 14: Authorisation for re-disclosure; 6 November, 18:32.

Annex 15: Decision on Prosecution's Request to Delay Disclosure of the identity and materials related to Prosecution Witnesses P-2582, P-2620 and

P-2671 pursuant to Rule 81(4) of the Rules of Procedure and Evidence;
6 November 18:43.

Annex 16: Request to Re-Disclose; 9 November 2020, 15:54.

Annex 17: Defence request to interview Prosecution Witness P-2625; 10
November 2020, 14:01.

Annex 18: OTP Request for reclassification - ICC-01/14-01/18-654-Conf 15-09-
2020; 11 November 15:04.


Annex 19: Order for Periodic Registry Reports on the Political and Security
Situation in the CAR; 19 November 2020, 13:19.

Annex 20: Chamber's direction regarding agreed facts/maps; 26 November
2020; 19:19.

Annex 21: Confidential Redacted version of Yekatom Request to suspend
deadline to respond to ICC-01/14-01/18-744-Conf & ICC-01/14-01/18-745-Conf
(27 November 2020); 3 December 2020, 18:12.

Annex 22: Periodic review of the Chamber's ruling on release or detention of
Mr Yekatom; 7 December 2020, 12:03.

Annex 23: OTP request for short extension of today's filing deadline; 7
December 2020, 15:58.



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

Dated this 17 December 2020

At The Hague, The Netherlands