

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

No.: ICC-01/14-01/18  
Date: 5 February 2021

**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***

**CONFIDENTIAL**

**with Public Redacted Version of the Annex**

**Public Redacted Version of "Registry Third Update on Detention Centre  
COVID-19 Measures (ICC-01/14-01/18-632-Conf)", filed on 26 August 2020**

**Source:** Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

**The Office of the Prosecutor**

Ms Fatou Bensouda

Mr James Stewart

**Counsel for Mr Yekatom**

Ms Mylène Dimitri

Mr Peter Robinson

**Legal Representatives of the Victims**

Mr Dmytro Suprun

Mr Abdou Dangabo Moussa

Ms Elisabeth Rabesandratana

Mr Yare Fall

Ms Marie- Edith Douzima-Lawson

Ms Paolina Massidda

**Counsel for Mr Ngaïssona**

Mr Geert-Jan Alexander Knoops

**Legal Representatives of the Applicants**

**Unrepresented Applicants  
(Participation/Reparation)**

**Unrepresented Victims**

**The Office of the Public Counsel for  
Victims**

**The Office of the Public Counsel for the  
Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

Mr Harry Tjonk

**Victims Participation and Reparations  
Section**

## I. Introduction

1. The Registry presents the following submissions, pursuant to 24 *bis* of the Regulations of the Court (“RoC”), to update Trial Chamber V of the International Criminal Court (“Chamber” and “ICC”, respectively) in the case of *The Prosecutor vs Alfred Yekatom and Patrice-Edouard Ngaiïssona* (“Defence”) on the COVID-19 measures currently in place at the ICC Detention Centre (“Detention Centre” or “DC”).

## II. Classification

2. In accordance with regulation 23 *bis* (2) of the Regulations of the Court (“RoC”), the present report and its annex are classified as confidential, as they refer to confidential detention matters that are currently not public.

## III. Submissions

3. As previously reported by the Registry,<sup>1</sup> since 19 March 2020, measures have been in place at the DC in order to protect the health, safety and lives of the detained persons during the ongoing COVID-19 pandemic, by minimizing contacts to detained persons and thus their risk of exposure to the virus.
4. The Registry hereby wishes to inform the Chamber that on 18 August 2020, pursuant to regulation 96(2) of the RoC, the Presidency approved an extension of the DC COVID-19 measures until 17 September 2020 (inclusive). This approval was following a request from the Registrar, and upon the medical advice of the Medical Officer of the DC (“MO”), according to regulation 155(2) of the Regulations of the Registry.

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<sup>1</sup> Registry, “Registry Update on COVID-19 Detention Centre Measures”, ICC-01/14-01/18-578-Conf, 3 July 2020; Registry, Registry Second Update on COVID-19 Detention Centre Measures (“Registry Update”), ICC-01/14-01/18-597-Conf, 17 July 2020.

5. The Registry informed the detained persons and their respective counsels of the extension on 18 August 2020.<sup>2</sup>

*Medical Officer Advice for Detention Centre COVID-19 Measures*

6. In addition to the information provided in the most recent Registry report on COVID-19,<sup>3</sup> the Registry adds the following additional information.
7. The MO has highlighted that the zero cases of COVID-19 amongst all of the detained persons at [REDACTED] is a testament that the response so far has been working. He also cautioned against “response fatigue”, which has been one of the key risk factors highlighted by the World Health Organization in combating this stage of the pandemic. A second wave of the virus is expected to occur, and at the moment COVID-19 cases are increasing again globally, in Europe and in the Netherlands. Of further importance, the R nought number in the Netherlands remains above 1. The MO reiterated his previous advice to the Registrar that “frequency, viral load and intensity” are three key factors underlying the spread of the virus.
8. The medical advice remains firm to avoid external contacts, especially when alternatives are available such as video conferencing platforms. Until a viable vaccine is developed, controlled mitigation measures remain critical.
9. For medical services, “activities of daily living” and the general health of the detained persons remain a priority, recognizing that without fit detained persons there would be no trials. In terms of general health, medical services take into account the physical, mental and emotional wellbeing of the detained persons. Resumptions of “activities of daily living” (such as sport, physiotherapy, self-care i.e. haircuts) remain continuously and carefully

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<sup>2</sup> Annex; Email sent by the Administrative Assistant of the DC to All Counsels, 18 August 2020, at 13:26.

<sup>3</sup> Registry Update.

weighed against the risks of viral contamination. The medical services carefully considers necessity, whether alternatives exist, and proper mitigation measures such as masks and personal protection equipment should in-person contact be unavoidable. Each point of human entry into and out of the DC is scrutinized and treated on a case-by-case basis, allowing for gradual introduction of the aforementioned “activities of daily living” and controlled risk management.

10. The Registry respectfully submits the above for the information of the Chamber, and any further extensions or changes in the measures will be so communicated to the Chamber.



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

Dated this 5 February 2021

At The Hague, The Netherlands