



Original: English

No. **ICC-01/14-01/18**
Date of original: **12 October 2021**
Date: **17 June 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
NGAISSONA**

Public redacted version of

**Fifth Decision on Mr Ngaißsona's Restrictions on Contacts and Communications
in Detention**

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

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TRIAL CHAMBER V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Articles 64(2) and 68(1) of the Rome Statute, Regulations 99-101 of the Regulations of the Court, and Regulations 167-170, 173-175, 177-180, 182-185 and 187 of the Regulations of the Registry, issues this ‘Fifth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention’.

I. Procedural history and submissions

1. The Chamber recalls the procedural history set out in its latest decision on Mr Ngaïssona’s restrictions on contacts and communications in detention (the ‘Fourth Restrictions Decision’),¹ where it decided to maintain the restrictions previously imposed on Mr Ngaïssona (the ‘Current Restrictions’).²
2. On 8 September 2021, the Registry filed its fourth report on the implementation of the restrictions on Mr Ngaïssona’s contacts and communications in detention (the ‘Fourth Registry Report’), indicating that no incidents have taken place in relation to Mr Ngaïssona’s non-privileged telephone calls, in-person non-privileged visits and written correspondence during the reporting period.³
3. On 13 September 2021, the Office of the Prosecutor (the ‘Prosecution’) filed its observations on the Fourth Registry Report (the ‘Observations’).⁴ It requests the Chamber to maintain the Current Restrictions, arguing that the circumstances

¹ Fourth Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention, 23 April 2021, ICC-01/14-01/18-965-Conf-Exp, confidential *ex parte*, only available to the Ngaïssona Defence and the Registry (public redacted version notified the same day, ICC-01/14-01/18-965-Red).

² The Current Restrictions are set out in the Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention, 17 April 2020, ICC-01/14-01/18-484-Conf-Exp, confidential *ex parte*, only available to the Ngaïssona Defence and the Registry (confidential redacted version notified the same day, ICC-01/14-01/18-484-Conf-Red and public redacted version notified on 16 February 2021, ICC-01/14-01/18-484-Red2) (the ‘First Restrictions Decision’), para. 15, with the modification regarding the allotted time for telephone calls as set out in the Third Decision on Mr Ngaïssona’s Restrictions on Contacts and Communications in Detention, 5 October 2020, ICC-01/14-01/18-672-Conf, para. 21, p. 12.

³ Fourth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Trial Chamber V, ICC-01/14-01/18-1105, paras 1, 4-6.

⁴ Observations de l’Accusation sur le “*Fourth Registry Report on the Implementation of the Restrictions on Contact of Mr Ngaïssona Ordered by Trial Chamber V*” (ICC-01/14-01/18-1105), ICC-01/14-01/18-1110-Conf (with confidential Annex A, ICC-01/14-01/18-1110-Conf-AnxA).

underlying the Fourth Restrictions Decision continue to exist.⁵ It further notes that [REDACTED], utmost vigilance is required at this stage.⁶

4. The Ngaiissona Defence did not submit observations on the Fourth Registry Report.

II. Analysis

5. The Chamber recalls the standard and the criteria of assessment as previously set out.⁷
6. It further recalls the circumstances underlying the Fourth Restrictions Decision and the subsequent findings therein,⁸ and notes that these circumstances have not changed.
7. Moreover, it notes that, since the Fourth Restrictions Decision, the Chamber has been informed of several incidents [REDACTED].
8. In light of these circumstances and recalling its determination to protect witnesses and the integrity of the proceedings,⁹ the Chamber finds that the Current Restrictions continue to be necessary and proportional and shall therefore be maintained.

FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES to maintain the Current Restrictions; and

ORDERS the Prosecution to file a public redacted version of its Observations within one week of notification of this decision.

Done in both English and French, the English version being authoritative.

⁵ Observations, ICC-01/14-01/18-1110-Conf, paras 2, 4, 10. *See also* paras 5-9 for a list of the specific circumstances mentioned by the Prosecution.

⁶ Observations, ICC-01/14-01/18-1110-Conf, para. 6.

⁷ First Restrictions Decision, ICC-01/14-01/18-484-Red2, paras 16-18, 21.

⁸ Fourth Restrictions Decision, ICC-01/14-01/18-965-Red, paras 12-13, 17.

⁹ First Restrictions Decision, ICC-01/14-01/18-484-Red2, para. 21.

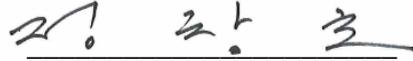


Judge Péter Kovács



Judge Bertram Schmitt

Presiding Judge



Judge Chang-ho Chung

Dated 17 June 2022

At The Hague, The Netherlands