



Original : English

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

Date: 24 November 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 Annexes 1 to 2, 4 to 10, 12 to 40, 42 to 45 and 47,

Confidential *EX PARTE* Annex 3 only available to the Registry,

Confidential *EX PARTE* Annex 11 only available to the Prosecution,

**Confidential *EX PARTE* Annex 41 only available to the Defence for Mr Ngaïssona and the
Registry,**

**Confidential *EX PARTE* Annexes 46 and 48 only available to the Common Legal
Representative of the Former Child Soldiers and the Registry,**

and

Public Redacted Annexes 1 to 48

**Thirteenth Registry Quarterly Report on Decisions issued by way of e-mail from 1
August to 31 October 2023**

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 Knoop
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 Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits with the present report and its 48 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”)¹.
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.²

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 2020.³
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.⁴
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.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 Trial Chamber V Communications email to the Registry CMS, dated 13 April 2021 at 15h45.

³ *Ibid.*

⁴ *Ibid.*, para 78.

⁵ *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.⁶

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.”⁷
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 Ngaïssona, the Legal Representatives of Victims for the Former Child Soldiers

⁶ See *supra* note 2.

⁷ *Ibid*, para. 77.

("CLRV1") and the Legal Representatives of Victims of the Other Crimes ("CLRV2").⁸

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

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

- **Annex 1:** Order to Provide Assessment on In-Court Protective Measures for P-2050, dated 01 August 2023 at 12:02;
- **Annex 2:** Decision on Ngaïssona Defence Further Request for Extension of Time to Respond to ICC-01/14-01/18-1971, dated 02 August 2023 at 14:24;
- **Annex 3:** Decision on Registry Request concerning Decision about Funded Family Visit to Mr Yekatom, dated 04 August 2023 at 16:30;
- **Annex 4:** Decision on Disclosure of Identities of Victims to be Called by the CLRV, dated 09 August 2023 at 10:35;
- **Annex 5:** RE: Mokom Defence access to Confidential Decision ICC-01/14-01/18-403, dated 11 August 2023 at 12:20;
- **Annex 6:** Decision on the Request for Reclassification of ICC-01/14-01/18-1932-Conf and ICC-01/14-01/18-1953-Conf, dated 11 August 2023 at 13:50;
- **Annex 7:** Decision on Regulation 35 Request for an extension of time to respond to the Prosecution's Eleventh Bar Table Motion (ICC-01/14-01/18-2010), dated 11 August 2023 at 18:15;

⁸ Emails sent by the Court Management Section to the Parties, Participants and the Registry on 15 November 2023 at 12:43, 12:45, 12:47, 12:49, 12:51, 12:52, 12:53 and 12:54 containing confidential and confidential *ex parte* annexes where applicable.

⁹ Email sent by the Defence for Mr Yekatom on 23 November 2023 at 14:53 containing further redactions for annexes 25 and 47. Email sent by the Registry – VWU on 22 November 2023 at 14:18 containing further redactions for annexes 23, 32 and 38. Emails sent by the Prosecution on 22 November 2023 at 10:53 and 10:59 containing further redactions for annexes 2, 11, 19, 20, 30, 32, 42 and 45. Emails sent by the Defence for Mr Ngaïssona on 20 November 2023 at 12:59, on 17 November 2023 at 13:21 and 13:23 containing further redactions for annexes 36, 40, 41, 42, 43 and 44. Email sent by the Registry-DS on 20 November 2023 at 14:41 containing further redactions for annex 3. Emails sent by the Legal Representatives of Victims for the Former Child Soldiers on 16 November 2023 at 11:30, 11:32 and 11:34 containing further redactions for annexes 4, 24, 46 and 48.

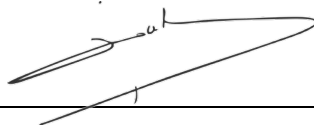
- **Annex 8:** Cancellation of hearings 24-25 August 2023, dated 16 August 2023 at 09:41;
- **Annex 9:** Order on Reclassification Request for ICC-01/14-01/18-1804-Conf, dated 17 August 2023 at 12:43;
- **Annex 10:** Order to Provide Assessment on In-Court Protective Measures for P-0974, dated 17 August 2023 at 17:21;
- **Annex 11:** Decision on Prosecution request for further information, dated 21 August 2023 at 12:45;
- **Annex 12:** Decision on Prosecution Request for an extension of the page-limit regarding the Facebook Prosecution Bar Table Application, dated 24 August 2023 at 11:33;
- **Annex 13:** Decision on 'CLR1 Request for reclassification of his filing ICC-01/14-01/18-2031-Conf-Exp', dated 24 August 2023 at 11:48;
- **Annex 14:** Decision on the Ngaïssona Defence request for extension of time to respond to the 12th bar table application and all other outstanding bar table applications, dated 24 August 2023 at 17:22;
- **Annex 15:** Decision on Prosecution Requests in relation to 'bar table' application on P-1819-related material, dated 25 August 2023 at 12:43;
- **Annex 16:** Decision on Prosecution Request for an extension of the page-limit regarding two Prosecution Bar Table Applications, dated 25 August 2023 at 13:56;
- **Annex 17:** Order to Provide Assessment on In-Court Protective Measures for V44-P-0001, V45-P-0001 and V45-P-0002, dated 29 August 2023 at 11:17;
- **Annex 18:** Decision on the parties' request for further information regarding P-0952's appearance, dated 29 August 2023 at 15:05;
- **Annex 19:** Decision on Requests for extension of time to respond to the Prosecution's 14th and 17th 'bar table' applications, dated 04 September 2023 at 09:21;
- **Annex 20:** Decision on the Ngaïssona Defence and Prosecution Requests for Reclassification, dated 04 September 2023 at 09:43;

- **Annex 21:** Cancellation of hearings 11-15 September 2023, dated 04 September 2023 at 11:52;
- **Annex 22:** Decision on Yekatom Defence Request regarding Disclosure of Photographs from CLRV1, dated 05 September 2023 at 11:34;
- **Annex 23:** Decision on the scheduling of P-0952's testimony, dated 07 September 2023 at 10:43;
- **Annex 24:** Decision on the CLRV2 Request concerning V44-P-0001's testimony, dated 08 September 2023 at 09:50;
- **Annex 25:** Decision on Yekatom Defence Request for Remote Attendance, dated 08 September 2023 at 14:23;
- **Annex 26:** Decision on the Request for Reclassification of ICC-01/14-01/18-2030-Conf and ICC-01/14-01/18-1906-Conf-Exp, dated 11 September 2023 at 12:31;
- **Annex 27:** Order on CLRV1 and Yekatom Defence Requests concerning Testimony of CAR-V45-P-0001 and CAR-V45-P-0002, dated 11 September 2023 at 12:32;
- **Annex 28:** Further Order on CLRV1 and Yekatom Defence Requests concerning Testimony of CAR-V45-P-0001 and CAR-V45-P-0002, dated 12 September 2023 at 11:03;
- **Annex 29:** Evidentiary blocks January - March 2024, dated 12 September 2023 at 11:46;
- **Annex 30:** Order regarding communication from the Prosecution relating to P-0952, dated 12 September 2023 at 15:04;
- **Annex 31:** Evidentiary blocks January - March 2024 – Amendment, dated 13 September 2023 at 12:11;
- **Annex 32:** Further Order regarding communication of P-0952, dated 15 September 2023 at 11:53;
- **Annex 33:** Cancellation of hearing on 29 September 2023, dated 26 September 2023 at 16:55;

- **Annex 34:** Order concerning ICC-01/14-01/18-2111-Conf, dated 29 September 2023 at 10:30;
- **Annex 35:** Decision on the Prosecution's Request for the Chamber's authorisation to submit 31 audio-visual items without corresponding translations into a working language of the Court, pursuant to Regulation 39(1) of the Regulation of the Court, dated 09 October 2023 at 14:43;
- **Annex 36:** Order on Notification of Potential Concern regarding Mr Ngaïssona's Restrictions on Contacts, dated 12 October 2023 at 09:39;
- **Annex 37:** Decision on Ngaïssona Defence Request for an Extension of Page Limit Regarding its Request for Leave to Appeal Decision ICC-01/14-01/18-2127-Conf, dated 12 October 2023 at 14:33;
- **Annex 38:** Further Order concerning the testimony of witness P-0952, dated 16 October 2023 at 12:43;
- **Annex 39:** Clarification regarding Ngaïssona Defence request for clarification of decision ICC-01/14-01/18-2093-Conf, dated 16 October 2023 at 13:15;
- **Annex 40:** Decision on Ngaïssona Defence Request for Time Extension regarding ICC-01/14-01/18-2143-Conf-Exp, dated 17 October 2023 at 10:46;
- **Annex 41:** Email Order concerning D30 Request for Judicial Order for the Interpretation of CAR-OTP-2126-2529, dated 24 October 2023 at 13:14;
- **Annex 42:** Order concerning Filing ICC-01/14-01/18-2155-Conf-Red, dated 24 October 2023 at 15:50;
- **Annex 43:** Decision on the Ngaïssona Defence's Request for Judicial Order for Translation, dated 25 October 2023 at 09:51;
- **Annex 44:** Decision on the Ngaïssona Defence Request to Add Pages of One Document to its List of Materials for P-0952, dated 25 October 2023 at 13:38;
- **Annex 45:** Decision on Yekatom Defence Request to add 6 items to its list of materials for P-0952 examination, dated 26 October 2023 at 13:30;
- **Annex 46:** RE: CLR1 Urgent Request for an order to the VWS concerning Witness CAR-V45-P-0002, dated 27 October 2023 at 12:49;

- **Annex 47:** Decision on Yekatom Defence Request Regarding Certification of Witness Statements, dated 30 October 2023 at 08:56; and
- **Annex 48:** Order on the CLRV1's Urgent Request for an order to the VWS concerning Witness CAR-V45-P-0002, dated 30 October 2023 at 12:14.

13. In addition, the Registry simultaneously submits the 48 annexes listed above in their confidential version and confidential *ex parte* version where applicable.



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

Dated this 24 November 2023

At The Hague, The Netherlands