



Original : English

No.: ICC-01/14-01/18  
Date: 15 February 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 14, 16 to 48,  
Confidential *EX PARTE* Annex 15 only available to the Prosecution,  
and  
Public Redacted Annexes 1 to 48**

**Fourteenth Registry Quarterly Report on Decisions issued by way of e-mail from 1  
November 2023 to 31 January 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 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”)<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 Ngaïssona,

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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:** Order on the Yekatom Defence and the Prosecution Requests for Reclassification, dated 01 November 2023 at 16:41;
- **Annex 2:** Order shortening deadline to respond to the Prosecution Request ICC-01/14-01/18-2186-Conf-Red, dated 02 November 2023 at 14:34;
- **Annex 3:** Decision on Yekatom Defence Urgent Request for an Order to the Registry to Assist with the Remote Interview of Three Potential Witnesses, dated 02 November 2023 at 16:33;
- **Annex 4:** Decision on Prosecution request in relation to reclassification of filings concerning testimony of Chamber witness, dated 03 November 2023 at 16:39;
- **Annex 5:** Decision on Ngaissona Defence Urgent Request for Certifications of Rule 68(2)(b) witness statements, dated 10 November 2023 at 17:57;
- **Annex 6:** Order on Yekatom Defence Request for Extension of Page Limits, dated 13 November 2023 at 11:17;
- **Annex 7:** Decision on Yekatom Defence Request for Extension of Time to File Rule 68(2)/(3) Request for D29-5010, dated 14 November 2023 at 15:04;

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<sup>8</sup> Emails sent by the Court Management Section to the Parties, Participants and the Registry on 06 February 2024 at 15:47, 15:49, 15:50 and 15:52 containing confidential and confidential *ex parte* annexes where applicable.

<sup>9</sup> Emails sent by the Prosecution on 13 February 2024 at 11:06 and 11:09 containing further redactions for annexes 10, 14, 15, 20, 21, 38 and 46. Email sent by the Legal Representatives of Victims of the Former Child Soldiers on 13 February 2024 at 09:25 containing further redactions for annex 46. Emails sent by the Defence for Mr Yekatom on 12 February 2024 at 10:59 and 11:01 containing further redactions for annexes 7, 10, 14 and 46. Email sent by the Registry on 12 February 2024 at 10:48 containing further redactions for annex 12. Email sent by the Defence for Mr Ngaissona on 08 February 2024 at 10:37 containing further redactions for annexes 23, 30, 31 and 32.

- **Annex 8:** Decision on Yekatom Defence Request for Extension of Page Limits, dated 15 November 2023 at 14:51;
- **Annex 9:** Decision on Yekatom Defence Request for Extension of Page Limits to File its First Rule 68(2)(b) Request, dated 15 November 2023 at 17:18;
- **Annex 10:** Decision on Yekatom Defence Request for Extension of Time to File a Rule 68(2) Request for D29-5016, dated 17 November 2023 at 15:56;
- **Annex 11:** Order on Ngaïssona Defence Request for Guidance regarding Filing ICC-01/14-01/18-2215-Conf, dated 20 November 2023 at 15:05;
- **Annex 12:** Decision on Registry request for an extension of time to submit its fourteenth periodic report on the political and security situation, dated 21 November 2023 at 10:00;
- **Annex 13:** Evidentiary blocks April - July 2024, dated 21 November 2023 at 10:40;
- **Annex 14:** Clarifications regarding Decision on Yekatom Defence Request for Extension of Time to File a Rule 68(2) Request for D29-5016, dated 22 November 2023 at 11:16;
- **Annex 15:** Decision on EX PARTE Request regarding P-2580, dated 22 November 2023 at 16:33;
- **Annex 16:** Decision on Yekatom Defence Request for Leave to Communicate its List of Materials for its Opening Statement on 23 November 2023, dated 23 November 2023 at 11:38;
- **Annex 17:** Order shortening the time limit to respond to Prosecution request ICC-01/14-01/18-2221, dated 24 November 2023 at 17:06;
- **Annex 18:** Decision on the CLRV2's request for V44-0001's appearance to be scheduled on the 7th and the 8th of December, dated 27 November 2023 at 12:38;
- **Annex 19:** Decision regarding reclassification requests, dated 01 December 2023 at 09:48;
- **Annex 20:** Decision on the Yekatom Defence Request regarding P-2580, dated 05 December 2023 at 13:19;

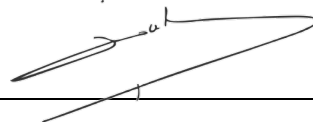
- **Annex 21:** Distribution of the Chamber's Email Decision of 22 November 2023 on the Prosecution's EX PARTE Request regarding P-2580, dated 05 December 2023 at 14:59;
- **Annex 22:** Order shortening the time limit to respond to the Prosecution's Request for Variation of Time Limit pursuant to Regulation 35, dated 08 December 2023 at 16:16;
- **Annex 23:** Decision on the Ngaissona Defence's Request for guidance on the process for obtaining prior statements remotely, dated 12 December 2023 at 11:13;
- **Annex 24:** Order on Prosecution Request for Reclassification of Filing ICC-01/14-01/18-2227-Conf, dated 13 December 2023 at 12:14;
- **Annex 25:** Order to reclassify ICC-01/14-01/18-2220-Conf, dated 13 December 2023 at 12:53;
- **Annex 26:** Order shortening the time limit to respond to the Ngaissona Defence's request to extend the time limit for the submission of Rule 68(3) applications and for the disclosure of Witness D30-P-4197's prior recorded testimony, dated 13 December 2023 at 13:57;
- **Annex 27:** Cancellation of hearing on 15 December 2023, dated 13 December 2023 at 14:40;
- **Annex 28:** Order on Suspension of Deadlines during the Recess, dated 13 December 2023 at 16:04;
- **Annex 29:** Order on Ngaissona Defence Urgent Requests under Regulation 35(2) regarding D30-4953 and D30-4035, dated 15 December 2023 at 10:11;
- **Annex 30:** Decision on Ngaissona Defence Urgent Requests under Regulation 35(2) regarding D30-4953 and D30-4035, dated 15 December 2023 at 13:43;
- **Annex 31:** Decision on Prosecution Request to Vary the Time Limit to Provide Translations Re P-2050, dated 15 December 2023 at 13:45;
- **Annex 32:** Decision on Ngaissona Defence Urgent Regulation 35 Request for Provision of Social Media Expert Report, dated 15 December 2023 at 15:02;

- **Annex 33:** Order concerning ICC-01/14-01/18-2266-Conf and ICC-01/14-01/18-2268-Conf, dated 21 December 2023 at 11:34;
- **Annex 34:** Order following VWU Request for Guidance, dated 21 December 2023 at 17:09;
- **Annex 35:** Order on Prosecution Request for Reclassification of Filing ICC-01/14-01/18-2251-Conf, dated 22 December 2023 at 13:29;
- **Annex 36:** Order on Yekatom Defence Request for Reclassification of Filing ICC-01/14-01/18-2254-Conf, dated 22 December 2023 at 13:34;
- **Annex 37:** Further Order concerning ICC-01/14-01/18-2268-Conf, dated 09 January 2024 at 09:35;
- **Annex 38:** Decision on Yekatom Defence request for remote attendance of Me TIANGAYE Regis during Block 28, dated 09 January 2024 at 10:16;
- **Annex 39:** Email Order to Provide Observations on In-Court Protective Measures for D29-6025, dated 09 January 2024 at 14:36;
- **Annex 40:** Further Email Order to Provide Observations on In-Court Protective Measures for D29-6025, dated 16 January 2024 at 16:36;
- **Annex 41:** Order instructing VWU to file observations on ICC-01/14-01/18-2305-Conf-Exp and shortening response deadlines, dated 17 January 2024 at 12:13;
- **Annex 42:** Order cancelling hearing this afternoon, dated 17 January 2024 at 13:03;
- **Annex 43:** Decision on OTP request to instruct VWU to remind D29-6036 not to discuss his testimony, dated 17 January 2024 at 15:48;
- **Annex 44:** Decision on Prosecution Request to Amend its List of Materials for D29-6036, dated 22 January 2024 at 11:55;
- **Annex 45:** Order concerning ICC-01/14-01/18-2321-Conf and ICC-01/14-01/18-2320-Conf-Exp, dated 24 January 2024 at 12:21;
- **Annex 46:** RE: Yekatom Defence objection to the use of materials in CLRV1 Examination list of CAR-D29-P-6025, dated 25 January 2024 at 09:14;
- **Annex 47:** Decision on Pending Issues concerning Submission Status of Certain Items, dated 31 January 2024 at 11:20; and



- **Annex 48:** Hearing on 1 February 2024 cancelled, dated 31 January 2024 at 16:58.

13. In addition, the Registry simultaneously submits the 48 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 15 February 2024

At The Hague, The Netherlands