



Original : English

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

Date: 10 June 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***

**Public**

**With Confidential Annexes 1 to 61**

***Confidential Version of Third Registry Quarterly Report Filing on the Case Record  
Decisions issued by way of e-mail from 8 December 2020 to 14 March 2021***

**Source : Registry**

**The Office of the Prosecutor**

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 Mr James Stewart  
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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. Pursuant to the Direction to file confidential versions of the Registry's Periodic Reports on Email Decisions,<sup>1</sup> issued on 13 April 2021 by Trial Chamber V ("the Chamber"), the Registry submits the present report ("Report") and its 61 confidential annexes consisting of the confidential versions of the email decisions previously filed in the Registry Report on the Case Record Decisions issued by way of e-mail.<sup>2</sup>

## **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 ("the Registry Reports") starting 15 September 2020.<sup>3</sup>
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.<sup>4</sup>
4. On 16 December 2020, the Registry filed the first Report on Email Decisions.<sup>5</sup>
5. On 17 December 2020, the Registry filed the second Registry Report on Email Decisions.<sup>6</sup>
6. On 15 March 2021, the Registry filed the third Registry Quarterly Report on Email Decisions.<sup>7</sup>

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<sup>1</sup> E-mail sent by Trial Chamber V Communications to the Associate Legal Officers, Parties and Participants, on 13 April 2021 at 15:45.

<sup>2</sup> 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, 16 December 2020.

<sup>3</sup> Trial Chamber V, Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, 26 August 2020, para. 76.

<sup>4</sup> *Ibid.*, para 78.

<sup>5</sup> 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, 16 December 2020.

<sup>6</sup> 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, ICC-01/14-01/18-783, 17 December 2020.

7. On 13 April 2021, the Chamber instructed the Registry to file confidential versions of the Registry Reports simultaneously with the public versions, in order to fully reflect all email decisions on the case record.<sup>8</sup>
8. The Chamber further instructed the Registry to file confidential versions of the previously filed Registry Reports by 15 June 2021.<sup>9</sup>

### III. Applicable law

9. 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. Submissions

10. The Registry therefore hereby attaches annexes 1 to 61 to the Report containing the confidential versions of the email decisions for the period of 8 December 2020 to 14 March 2021.
- **Annex 1:** Request for guidance – 15.02.2020.
  - **Annex 2:** Inadvertent disclosure of information - 16.12.2020.
  - **Annex 3:** Decision on Defence Request ICC-0114-0118-789-Conf-21.12.2020.
  - **Annex 4:** Order to file public redacted version of ICC-0114-0118-544-conf – 21.12.2020.
  - **Annex 5 :** Decision on Defence Request ICC-0114-0118-789-Conf –22.12.2020.
  - **Annex 6:** Request for the Chamber's guidance on the procedure for disclosure of application of dual status individuals – 04.01.2021.
  - **Annex 7:** Request for reconsideration of the Decision on the Initial Directions on the Conduct of Proceedings – 05.01.2021.

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<sup>7</sup> Third Registry Quarterly Report Filing on the Case Record Decisions issued by way of e-mail from 8 December 2020 to 14 March 2021, ICC-01/14-01/18-914, 15 March 2021.

<sup>8</sup> E-mail sent by Trial Chamber V Communications to the Associate Legal Officers, Parties and Participants, on 13 April 2021 at 15:45.

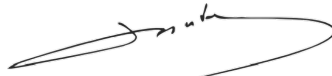
<sup>9</sup> *Ibid.*

- **Annex 8:** Further observations on the feasibility of video-conferencing– 07.01.2021.
- **Annex 9:** RE: Inadvertent disclosure of information - 07.01.2021.
- **Annex 10:** Communication to TCV regarding dual status transmission to OTP – 11.01.2021.
- **Annex 11:** Extension request ICC-0114-0118-815-Conf – 12.01.2021.
- **Annex 12:** Yekatom Defence Request ICC-0114-0118-816-Conf –12.01.2021.
- **Annex 13:** Inadvertent disclosure of information – 13.01.2021.
- **Annex 14:** Decision on page extension request ICC-0114-0118-750-Conf – 14.01.2021.
- **Annex 15:** Decision on the Ngaïssona Defence request ICC-0114-0118-815-Conf – 15.01.2021.
- **Annex 16:** Response to the Ngaïssona Defence's request ICC-0114-0118-833-Conf-Red\_redacted.
- **Annex 17:** Response and observations to the Common Legal Representative for Other Crimes' request ICC-0114-0118-838-Conf –20.01.2021.
- **Annex 18:** Decision on the Prosecution's Request for Leave to Reply (ICC-0114-0118-836-Conf) – 22.01.2021.
- **Annex 19:** Response to ICC-0114-0118-851-Conf – 26.01.2021.
- **Annex 20:** Response to ICC-0114-0118-852-Conf – 26.01.2021.
- **Annex 21:** Request to allow Cross-examination by Legal Consultants and Electronic Evidence Specialist 27.01.2021.
- **Annex 22:** Exception to access the premises – 29.01.2021.
- **Annex 23:** Reclassification – 02.02.2021.
- **Annex 24:** Authorisation to resubmit the correct document filing under ICC-0114-0118-866-Conf – 03.02.2021.
- **Annex 25:** Planning - Opening - Evidence – 03.02.2021.
- **Annex 26:** List of Material to be used by Prosecution in course of the Opening Statement - 05.02.2021.

- **Annex 27:** List of Material to be used by Prosecution in course of the Opening Statement – 08.02.2021.
- **Annex 28:** ICC-0114-0118-883-Red - Decision on the Ngaïssona Defence Motion to Strike P-2843 from the Final Witness List – 15.02.2021.
- **Annex 29:** Hearings to take place in the Courtroom – 15.02.2021.
- **Annex 30:** Decision on Defence requests for reclassification – 16.02.2021.
- **Annex 31:** Responses to the Yekatom Defence's request to set a deadline for the lifting of standard redactions on leads and sources - 16.02.2021.
- **Annex 32:** Evidentiary blocks – 18.02.2021.
- **Annex 33:** Prosecution anticipated witness order for the First block – 19.02.2021.
- **Annex 34:** The Prosecutor v. Alfred Yekatom & Patrice-Edouard Ngaïssona ICC-014-0118-856 Decision on Reclassification of Documents – 19.02.2021.
- **Annex 35:** Guidance of the Chamber in relation to the Decision on the Defence Requests for In-Person Legal Visits at the Detention Centre ICC-0114-0118-853 – 22.02.2021.
- **Annex 36:** Prosecution request - Reclassification to Public - 0114-0118-850-Conf – 22.02.2021.
- **Annex 37:** Order regarding public versions of the Confirmation Decision, DCC and Trial Brief – 23.02.2021.
- **Annex 38:** Publicity of the proceedings – 23.02.2021.
- **Annex 39:** Request for reclassification of documents – 23.02.2021.
- **Annex 40:** Yekatom Defence Request for authorisation for in-person visits at the Detention Centre – 23.02.2021.
- **Annex 41:** Ngaïssona Defence Request for Reclassification of Filing ICC-0114-0118-789-Conf – 25.02.2021.
- **Annex 42:** Ngaïssona Defence Request to Conduct In-Person Visits to the detention Centre – 25.02.2021.
- **Annex 43:** Opening Statements – Materials – 25.02.2021.

- **Annex 44:** Prosecution anticipated witness order for the First Block – 25.02.2021.
- **Annex 45:** Response to the Yekatom Defence's request to set a deadline for the lifting of standard redactions on leads and sources – 25.02.2021.
- **Annex 46:** Evidentiary blocks – 26.02.2021.
- **Annex 47:** Prosecution Request for Status Conference – 26.02.2021.
- **Annex 48:** Update on VWU's progress in relation to report on P-0306's security situation – 26.02.2021.
- **Annex 49:** Prosecution Witness Order and Schedule for Block - 01.03.2021.
- **Annex 50:** Prosecution's Witness Order and Schedule for Block 1 – 03.03.2021.
- **Annex 51:** Responses to ICC-0114-0118-897-Conf – 03.03.2021.
- **Annex 52:** ICC-014-018-Substitution of Hard Copy Binders – 05.03.2021.
- **Annex 53:** Prosecution's Witness Order and Schedule for Block 1 – 05.03.2021.
- **Annex 54:** Request for reclassification – 05.03.2021.
- **Annex 55:** Request for authorization for P-2193 to bring laptop into Courtroom and VWS premises – 08.03.2021.
- **Annex 56:** Prosecution's Witness Order and Schedule for Block 1; testimony of P-1577 and P-2926 – 11.03.2021.
- **Annex 57:** Redacted Request for clarification of Decision on Non- Privileged Video-Conferencing at the Detention Centre – 11.03.2021.
- **Annex 58:** ICC-01/14-01/18 - Substitution of Hard Copy Binders – 12.03.2021.
- **Annex 59:** Attendance to the hearings (first block) via video-link – 12.03.2021.
- **Annex 60:** Request for Reclassification of ICC-01/14-01/18-903-Conf – 12.03.2021.

- **Annex 61:** Publicity of hearings – 12.03.2021.



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

Dated this 10 June 2021

At The Hague, The Netherlands