



Original : English

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

Date: 14 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

**PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-EDOUARD NGAÏSSONA**

Public

With public Annexes 1 to 40

**Fourth Registry Report on Decisions issued by way of e-mail from 15 March 2021
to 10 June 2021**

Source : Registry

The Office of the Prosecutor

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 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 Peter Lewis

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations
Section****Other**

I. Introduction

1. The Registry submits the present report and its 40 annexes consisting of email decisions (“Report on Email Decision”) pursuant to the “Initial Directions on the Conduct of the Proceedings” (“Initial Directions”),¹ issued on 26 August 2020 by Trial Chamber V (“the Chamber”).

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 2020.²
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.³
4. The Presiding Judge clarified in the Decision that emails related to the submission of evidence should not be part of the Reports on e-mail Decisions.⁴
5. On 16 December 2020, the Registry filed the first Report on Email Decisions.⁵
6. On 17 December 2020 and 15 March 2021, the Registry filed the second⁶ and third⁷ report on email Decisions respectively.

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, Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, 26 August 2020, para. 76.

³ *Ibid.*, para 78.

⁴ *Ibid*, footnote 58.

⁵ 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 + Annexes.

III. Applicable law

7. 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

8. 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.”*⁸
9. In order to enable the parties and participants to suggest specific additional redactions, the Registry liaised 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 (“CLRV1”) and the Legal Representatives of Victims of the Other Crimes (“CLRV2”) by email.⁹

⁶ 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 of 18 December 2020.

⁷ 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 of 15 March 2021.

⁸ *Ibid*, para. 77.

⁹ Email sent by the Court Management Section on 10 June 2021 at 21:17 and 21:20 containing annexes 1 to 40.

10. Redaction proposals were received from the parties and participants and subsequently considered by the Registry.¹⁰

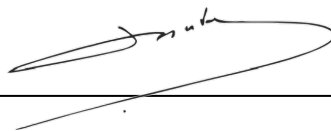
11. Accordingly, the Registry applied redactions to emails set forth in the following 40 annexes:

- **Annex 1:** Decision on the Yekatom Defence's Request to modify the quarantine requirements for Mr. Jason Antley due to P-2193's change of schedule - 16 March 2021 at 18:38.
- **Annex 2:** RE: Witness Scheduling Issues - 22 March 2021 at 14:49.
- **Annex 3:** RE: In-court protection measures for witness CAR-OTP-P-1577 – 22 March 2021 at 15:08.
- **Annex 4:** RE: Witness Scheduling Issues - 22 March 2021 at 18:04.
- **Annex 5:** RE: Delayed Disclosure of the Identity and Materials related to Witness P-0306 – 23 March 2021 at 12:15.
- **Annex 6:** RE: Update on VWU's progress in relation to report on P-0306's security situation – 23 March 2021 at 16:11.
- **Annex 7:** RE: P-0287 Testimony - IMPORTANT - 23 March 2021 at 22:27.
- **Annex 8:** RE: P-0287 Testimony - IMPORTANT - 24 March 2021 at: 12:32.
- **Annex 9:** Hearing today – 26 March 2021 at 10:51.
- **Annex 10:** Reminder for participants to comply with Registry Guidelines – 26 March 2021 at 17:02.
- **Annex 11:** RE: P-1847 – 30 March 2021 at 14:16.
- **Annex 12:** FW: Update - Hard copy binders/digital list of material – 30 March 2021 at 16:48.

¹⁰ The Registry received proposals for further redactions from the Prosecution in relation to Annex 2, 3, 4, 5, 6, 7, 8, 11, 12, 14, 16, 18, 19, 20, 24, 25, 32, 36, 39 and 40 on 14 June 2021 at 12:01 and 12:33; from the Defence for Mr Yekatom with regard to Annexes 39 and 40 on 14 June 2021 at 10:12; from the Defence for Mr Ngaïssona in relation to Annex 24 on 11 June 2021 at 15:39. The Registry received response from the CLRV1 and CLRV2 on 11 June 2021 at 15:00 and 14:31 respectively with no proposals for further redactions.

- **Annex 13:** Direction to file confidential versions of the Registry's Periodic Reports on Email Decisions – 13 April 2021 at 15:45.
- **Annex 14:** RE: OTP Familiarisation package P-1577 – 13 April 2021 at 16:05.
- **Annex 15:** RE: Prosecution Request for Status Conference – 14 April 2021 at 10:17.
- **Annex 16:** RE: Update - Hard copy binders/digital list of material – 14 April 2021 at 13:52.
- **Annex 17:** No hearing on 6 May - 16 April 2021 at 10:18.
- **Annex 18:** RE: Statement reading – 23 April 2021 at 14:55.
- **Annex 19:** RE: OTP sample examination P-1577 - 23 April 2021 at 15:00.
- **Annex 20:** RE: Statement reading – Corrigendum – 23 April 2021 at 15:48.
- **Annex 21:** RE: Ngaissona Defence request for leave to use video – 30 April 2021 at 08:28.
- **Annex 22:** RE: Yekatom Defence Request for three in-person visits prior to 24 May 2021 – 30 April 2021 at 16:22.
- **Annex 23:** RE: Registry recommendations witness CAR-2841 – 03 May 2021 at 14:46.
- **Annex 24:** RE: In-court protection measures for witness CAR-OTP-P-2841 – 06 May 2021 at 13:09.
- **Annex 25:** RE: In-court protection measures for witness CAR-OTP-P-2926 – 10 May 2021 at 17:26.
- **Annex 26:** RE: Request for reclassification – 19 May 2021 at 16:33.
- **Annex 27:** TC V Decision on VWU's requests regarding implementation of Decision ICC-01/14-01/18-981-Conf-Red – 24 May 2021 at 08:22.
- **Annex 28:** Evidentiary blocks – Schedule – 26 May 2021 at 10:06.
- **Annex 29:** RE: Reconsideration of the two-minute deadline for objecting to proposed redactions – 27 May 2021 at 11:26.
- **Annex 30:** Hearing schedule 16 June 2021 – 28 May 2021 at 11:59.
- **Annex 31:** Order to file corrected version of ICC-01/14-01/18-917-Conf-AnxA – 28 May 2021 at 14:43.

- **Annex 32:** RE: In-court protection measures for witness CAR-OTP-P-2027 – 31 May 2021 at 12:22.
- **Annex 33:** Publishing of prior recorded testimonies – 03 June 2021 at 15:58.
- **Annex 34:** Decision on request to extend judicial summer recess – 03 June 2021 at 16:24.
- **Annex 35:** RE: Ngaïssona Defence request to use three documents for Witness P-2673's cross-examination – 03 June 2021 at 18:06.
- **Annex 36:** RE: TC V Decision on VWU's requests regarding implementation of Decision ICC-01/14-01/18-981-Conf-Red – 04 June 2021 at 16:29.
- **Annex 37:** RE: TC V Decision on VWU's requests regarding implementation of Decision ICC-01/14-01/18-981-Conf-Red – 04 June 2021 at 16:33.
- **Annex 38:** RE: Hard copy binder – 08 June 2021 at 15:20.
- **Annex 39:** Chamber's Decision on Prosecution Requests regarding P-0952's Testimony – 09 June 2021 at 16:42.
- **Annex 40:** RE: Chamber's Decision on Prosecution Requests regarding P-0952's Testimony – 10 June 2021 at 10:40.



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

Dated this 14 June 2021

At The Hague, The Netherlands