



Original : English

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

Date: 23 May 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 NGAÏSSONA***

Public
With Public Redacted Annexes 1 to 46
and
Confidential Annexes 1 to 24 and 26 to 46
Confidential *EX PARTE* Annex 25 only available to the Legal Representative for
the Former Child Soldiers and the Registry

Seventh Registry Quarterly Report on Decisions issued by way of e-mail from 1
February 2022 to 31 April 2022

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 Thomas Hannis

Counsel for Patrice-Edouard Ngaïssona

Mr Geert-Jan Alexander Knoop
Mr Richard Omissé-Namkeamaï
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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits with the present report and its 46 annexes, public redacted and confidential 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 of 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 46 annexes:

- **Annex 1:** Schedule remainder of block 9, dated 02 February 2022 at 17:26;
- **Annex 2:** Hearing tomorrow cancelled, dated 03 February 2022 at 17:35;
- **Annex 3:** RE: Request for Reclassification, dated 04 February 2022 at 10:58;
- **Annex 4:** RE: Proposed redactions to the English version of P-0876's transcripts, dated 16 February 2022 at 12:32;
- **Annex 5:** RE: P-2582, dated 17 February 2022 at 14:56;
- **Annex 6:** RE: Request for extension of deadline to respond to Prosecution filings ICC-01/14-01/18-1281 and ICC-01/14-01/18-1283, dated 17 February 2022 at 16:42;
- **Annex 7:** TC V Order shortening deadline for responses to filing ICC-01/14-01/18-1285-Conf, dated 17 February 2022 at 17:57;
- **Annex 8:** RE: TC V Order shortening deadline for responses to filing ICC-01/14-01/18-1285-Conf, dated 18 February 2022 at 13:41;
- **Annex 9:** Order for Registry Observations on ICC-01/14-01/18-1290-Conf-Exp/Conf-Red, dated 24 February 2022 at 12:48;
- **Annex 10:** Chamber's direction regarding P-2582, dated 24 February 2022 at 19:20;

⁸ Emails sent by the Court Management Section on 17 May 2022 at 15:55, 15:57 containing annexes 1 to 24 and 26 to 46 respectfully.

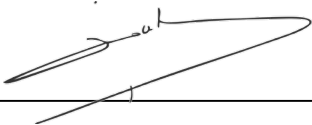
⁹ Emails sent by the Prosecution on 20 May 2022 at 16:20 containing further redactions for annexes 1, 2, 4, 5, 10, 11, 15, 21, 28, 37, 40 and 43. Email sent by CLRV1 on 23 March 2022 at 10:29 containing further redactions for annex 25.

- **Annex 11:** RE: Ngaïssona Defence List of Materials for Prosecution witness P-2049, dated 25 February 2022 at 09:30;
- **Annex 12:** TC V's Determination of Prosecution Request ICC-01/14-01/18-1285-Conf, dated 01 March 2022 at 18:21;
- **Annex 13:** Hearing cancellation 10-11 March 2022, dated 01 March 2022 at 18:23;
- **Annex 14:** Evidentiary blocks July - December 2022, dated 01 March 2022 at 18:23;
- **Annex 15:** Decision on Request to inform Witness P-2049 of the possibility to request leave to participate in the proceedings, dated 02 March 2022 at 15:21;
- **Annex 16:** RE: OTP Courtesy copy of Examination list P-1595 and Summary, dated 02 March 2022 at 16:10;
- **Annex 17:** Decision on Request for Reclassification of Document ICC-01/14-01/18-1278-Conf, dated 04 March 2022 at 15:26;
- **Annex 18:** Decision on Request for an extension of time to respond to ICC-01/14-01/18-1296, dated 04 March 2022 at 15:39;
- **Annex 19:** Amended sitting hours 9 March 2022, dated 07 March 2022 at 17:19;
- **Annex 20:** RE: Summary and Examination list P-0889 - Hyperlinked, dated 07 March 2022 at 18:00;
- **Annex 21:** Amended seating hours for the upcoming testimony of P-0954, dated 09 March 2022 at 17:04;
- **Annex 22:** RE: Request for Leave to Add One Document to List of Materials for P-0889, dated 11 March 2022 at 10:47;
- **Annex 23:** Hearing cancellation 27 May 2022, dated 16 March 2022 at 09:51;
- **Annex 24:** Decision on Request for leave for Defence to address the Trial Chamber on a procedural matter following the conclusion of testimony of P-0889, dated 16 March 2022 at 15:31;
- **Annex 25:** Decision on the Common Legal Representative for the Former Child Soldiers' Request for an order to the VWS to facilitate contact with dual status individual P-2620, dated 21 March 2022 at 12:42;

- **Annex 26:** Order shortening deadline to respond to the Yekatom Defence's Request for Reconsideration ICC-01/14-01/18-1321-Conf, dated 22 March 2022 at 10:35;
- **Annex 27:** Order shortening deadlines to respond to the Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-0954, dated 22 March 2022 at 10:39;
- **Annex 28:** CLR2 Request for reclassification of document ICC-01/14-01/18-1304 ; Prosecution request - Reclassification to Public - ICC-01/14-01/18-1150-Conf, dated 23 March 2022 at 17:44;
- **Annex 29:** Decision on Defence request for an extension of time pursuant to regulation 35(2) - ICC-01/14-01/18-1330-Conf, dated 28 March 2022 at 18:35;
- **Annex 30:** FW: Order for reclassification, dated 30 March 2022 at 18:15;
- **Annex 31:** Decision on the Ngaïssona Defence's request to be provided with the reports of the VWU's meetings with P-0954, dated 01 April 2022 at 12:22;
- **Annex 32:** Chamber's direction in relation to the Ngaïssona Defence's Response to ICC-01/14-01/18-1332-Conf, dated 04 April 2022 at 15:00;
- **Annex 33:** Decision on the Yekatom Defence's Request for extension of time to respond to ICC-01/14-01/18-1345 and ICC-01/14-01/18-1346, dated 04 April 2022 at 15:26;
- **Annex 34:** Decision on the Ngaïssona Defence's Extension Request following the Chamber's direction in relation to the Ngaïssona Defence's Response to ICC-01/14-01/18-1332-Conf, dated 04 April 2022 at 16:01;
- **Annex 35:** RE: Decision on the Yekatom Defence's Request for extension of time to respond to ICC-01/14-01/18-1345 and ICC-01/14-01/18-1346, dated 04 April 2022 at 16:06;
- **Annex 36:** Prosecution request - Reclassification to Public of the confidential redacted version of its response (ICC-01/14-01/18-1297-Conf-Red); Ngaïssona Defence Request for Reclassification of Document ICC-01/14-01/18-1314-Conf, dated 05 April 2022 at 09:56;

- **Annex 37:** Chamber's order in relation to the Prosecution's anticipated advancement of P-2475's testimony to the beginning of Block 13, dated 11 April 2022 at 15:48;
- **Annex 38:** Decision ending general authorisation for remote participation, dated 14 April 2022 at 10:14;
- **Annex 39:** Decision on the Yekatom Defence's Request for Remote Attendance of two Defence team members during P-1193's testimony, dated 14 April 2022 at 10:18;
- **Annex 40:** Second Chamber's order in relation to the Prosecution's anticipated advancement of P-2475's testimony to the beginning of Block 13, dated 19 April 2022 at 15:39;
- **Annex 41:** Decision on the Ngaissona Defence's Request for a time extension to respond to ICC-01/14-01/18-1353 and ICC-01/14-01/18-1358, dated 19 April 2022 at 15:46;
- **Annex 42:** Decision on the Ngaissona Defence Request to allow remote attendance for Mr Omissé-Namkeamaï during P-1193's testimony, dated 20 April 2022 at 15:35;
- **Annex 43:** Decision relating to the Prosecution's anticipated advancement of P-2475's testimony, dated 22 April 2022 at 15:06;
- **Annex 44:** Order shortening deadline to respond to the Yekatom Defence Request for Leave to Appeal ICC-01/14-01/18-1374-Conf, dated 25 April 2022 at 10:40;
- **Annex 45:** Decision on the Yekatom Defence Request for an Extension of Time to respond to ICC-01/14-01/18-1361-Conf, dated 25 April 2022 at 12:02; and
- **Annex 46:** Draft order shortening the response deadlines to the Ngaissona Defence Request ICC-01/14-01/18-1377-Conf+Conf-Anxs, dated 26 April 2022 at 12:47.

13. In addition, the Registry simultaneously submits the 46 annexes listed above in their confidential version and confidential *ex parte* version where applicable.



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

Dated this 23 May 2022

At The Hague, The Netherlands