

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **3 July 2024**

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung
Judge Beti Hohler, Alternate Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public

Public redacted version of “Prosecution’s Response to “Ngaïssona Defence’s Request for Urgent Intervention regarding State Cooperation” (ICC-01/14-01/18-2545-Conf)”, ICC-01/14-01/18-2554-Conf, 26 June 2024

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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**Victims Participation and Reparations
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Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) takes no position on the Ngaissona Defence’s request seeking judicial intervention regarding matters of State cooperation,¹ and thus defers to Trial Chamber V’s (“Chamber”) discretion, subject to the observations below.

II. CONFIDENTIALITY

2. Pursuant to regulation 23bis(2) of the Regulations of the Court (“RoC”), this submission is filed as “Confidential”, as it responds to a filing of the same designation. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

3. The present circumstances appear to satisfy the legal threshold to request the Chamber’s intervention. However, and given that the Chamber has previously rejected a Defence request to issue a similar order,² it remains doubtful that the Chamber may, within its competence under Part 9 of the Statute “*order* [REDACTED] to issue, without any further delay, the authorizations needed for both witnesses CAR-D30-P-4914 (‘0D30-4914’) and CAR-D30-P-4679 (‘D30-4679’) to testify.”³ In this respect, it would appear that the relief sought appears to be infeasible, as framed. Nevertheless, the Chamber has at its disposal (as does the requested State) the statutory authority to adjust the means through which the objective — that is, the appearances of the relevant witnesses — may reasonably be achieved.

¹ ICC-01/14-01/18-2545-Conf.

² See Chamber email of 3 June 2024, at 09:52.

³ ICC-01/14-01/18-2545-Conf, para. 1 (emphasis *added*), see also para. 51 (seeking to “compel [REDACTED] authorities to issue the two pending authorizations”).

IV. RELIEF SOUGHT

4. Subject to the above, the Prosecution respectfully defers to the Chamber with respect to the disposition of the Request.

A handwritten signature in black ink, appearing to be 'K.A.K.', with a horizontal line underneath it.

Karim A. A. Khan KC, Prosecutor

Dated this 3rd of July 2024
At The Hague, The Netherlands