

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **27 August 2019**

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

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

Public

**Prosecution's Response to "Motion for Review and Reclassification of *Ex Parte*
Filings", ICC-01/14-01/18-283**

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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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) submits the following response to the YEKATOM Defence’s Motion for the Review and Reclassification of *Ex Parte* Filings (“Motion”).¹

2. The response is limited to Prosecution filings² and does not comment on those of the Pre-Trial Chamber, NGAISSONA’s Defence, Registry, or documents otherwise inaccessible to the Prosecution.

II. SUBMISSIONS

A. No Reclassification

3. The Prosecution filings set out below should not be reclassified, particularly where there has been no change in circumstances since the Pre-Trial Chamber rejected previous Defence requests, such as the Prosecution’s Warrant of Arrest Application and related filings.³ Absent such change, the prevailing circumstances preclude reclassification. The same applies to other filings that concern various protective measures.

4. Thus, the following filings should not be reclassified:

- (i) ICC-01/14-01/18-2
- (ii) ICC-01/14-01/18-5-US-Exp-AnxA
- (iii) ICC-01/14-01/18-7-US-Exp-AnxA
- (iv) ICC-01/14-01/18-22
- (v) ICC-01/14-01/18-28-Conf-Exp-AnxA

¹ ICC-01/14-01/18-283.

² Email from the Pre-Trial Chamber, dated 21 August 2019.

³ ICC-01/14-01/18-31-Conf; ICC-01/14-01/18-190.

- (vi) ICC-01/14-01/18-69-Conf-Exp-AnxA
- (vii) ICC-01/14-01/18-88
- (viii) ICC-01/14-01/18-108
- (ix) ICC-01/14-01/18-170-Conf-Exp-AnxA
- (x) ICC-01/14-01/18-170-Conf-Exp-AnxB
- (xi) ICC-01/14-01/18-179-Conf-Exp-AnxA
- (xii) ICC-01/14-01/18-186-Conf-Anx
- (xiii) ICC-01/14-01/18-209
- (xiv) ICC-01/14-01/18-209-Conf-Exp-AnxA to J
- (xv) ICC-01/14-01/18-217
- (xvi) ICC-01/14-01/18-228
- (xvii) ICC-01/14-01/18-237-Conf-Exp-AnxA
- (xviii) ICC-01/14-01/18-242
- (xix) ICC-01/14-01/18-244
- (xx) ICC-01/14-01/18-267-Conf-Exp-AnxA to O

B. Filings which may be reclassified

5. The following filings may be reclassified, as the bases for their classifications no longer exist:

- (i) ICC-01/14-01/18-7-US-Exp-AnxA
- (ii) ICC-01/14-01/18-26

C. Filings to which access may be granted with redactions

6. The following filings can be reclassified only after specific redactions are applied.

- (i) ICC-01/14-01/18-28⁴
- (ii) ICC-01/14-01/18-93⁵
- (iii) ICC-01/14-01/18-174⁶

7. The Prosecution will provide the Chamber with the proposed redactions by 9 September 2019.

D. Motion aspects that are moot

8. The Defence's request in respect of filing ICC-01/14-01/18-237-Conf-Exp-AnxB is moot. The Defence already has access to the cover filing. Annex B thereof, which contains the summary of Witness P-1792's statements, was disclosed to the Defence *via* the regular disclosure process on 9 August 2019.⁷

III. CONCLUSION

9. The above comprise the Prosecution's response to the Defence Motion.



Fatou Bensouda, Prosecutor

Dated this 27th day of August 2019
At The Hague, The Netherlands

⁴ The Prosecution recommends reclassification (following redactions) to the YEKATOM Defence only as the filing concerns YEKATOM.

⁵ The Prosecution recommends reclassification (following redactions) to the NGAISSONA Defence only as the filing mainly concerns NGAISSONA.

⁶ The Prosecution recommends reclassification (following redactions) to the NGAISSONA and YEKATOM Defence.

⁷ ICC-01/14-01/18-237-Conf-Exp; Pre-Confirmation INCRIM package 18.