

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/14-01/18**
Date: **14 November 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 the Yekatom Defence Request for Public Delivery of
Confirmation Decision (ICC-01/14-01/18-394)**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Kweku Vanderpuye

Counsel for Alfred Yekatom

Me Mylène Dimitri
Mr Peter Robinson

Counsel for Patrice-Edouard Ngaïssona

Mr Geert-Jan Alexander Knoops

Legal Representatives of 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 Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Office of the Prosecutor (“Prosecution”) responds to Alfred YEKATOM’s (“YEKATOM”) requests to (i) issue simultaneously the confidential and public redacted version of its decision on the confirmation of charges (“Confirmation Decision”) (“First Request”); and to (ii) deliver a summary of the Confirmation Decision at a public hearing (“Second Request”).¹

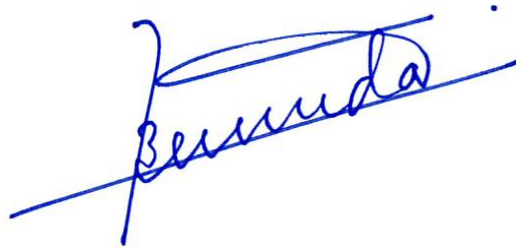
2. The First Request should be dismissed because simultaneously releasing the public redacted version along with the confidential version would not allow the Prosecution to review it before release. The Parties’ and participants’ confirmation submissions contain confidential information, which has been redacted from the public. Similarly, parts of the confirmation hearing were held in private session. These exceptions to the principle of publicity continue to be justified to ensure the safety of victims, witnesses and other individuals at risk as a result of the Court’s activities, or to safeguard on-going investigations. Given the complexity of the redaction exercise in respect of a document such as the Confirmation Decision, the Prosecution would prefer to be given the opportunity to review the confidential version of the Confirmation Decision, prior to its publication to the wider public, as it previously did in relation to YEKATOM’s Arrest Warrant.²

3. Regarding the Second Request, the Prosecution defers to the discretion of the

¹ ICC-01/14-01/18-394.

² ICC-01/14-01/18-1-Red, p. 23.

Chamber, giving due consideration to its countervailing obligation under article 68 of the Rome Statute.



Fatou Bensouda, Prosecutor

Dated this 14th day of November 2019

At The Hague, The Netherlands