

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **27 March 2020**

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 ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

Public redacted version of “Joint Defence Response to Prosecution’s “Urgent Request for the Non-Disclosure of Witness Identities” (ICC-01/14-01/18-267-Conf-Red)”, 13 August 2019, ICC-01/14-01/18-272-Conf

Source: Defence for Mr. Alfred Rombhot Yekatom
Defence for Mr. Patrice-Edouard Ngaïssona

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

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**Unrepresented Applicants
(Participation / Reparation)**

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**Victims Participation and Reparations
Section**

Further to Prosecution's "Urgent Request for the Non-Disclosure of Witness Identities"¹ ("the Request"), Messrs. Alfred Rombhot Yekatom and Patrice-Edouard Ngaissona ("the Defence") hereby submit this:

**Joint Defence Response to
Prosecution's "Urgent Request for the Non-Disclosure of Witness Identities".**

I. Confidentiality

1. This document is filed as confidential pursuant to regulation 23*bis*(1) of the Regulations of the Court, as it responds to a filing of the same classification.

II. Relevant procedural history

2. On 15 May 2019, the Chamber issued the "Decision on the 'Prosecution's Request to Postpone the Confirmation Hearing and all Related Disclosure Deadlines'", and ordered the Prosecution to "submit any and all applications for the authorisation of the non-disclosure of witnesses' identities and/or the non-disclosure of entire items of evidence by 7 June 2019 at the latest".² On 29 May 2019, the Chamber convened a Status Conference and, having heard the Prosecution's submissions, particularly on the difficulty and complexity of anticipating, assessing, and implementing protection measures in this case, extended this deadline to 5 July 2019.³

3. On 5 July 2019, the Prosecution submitted its Request for the Non-Disclosure of Witness Identities ("First Request").⁴ The Chamber rendered its decision on the First Request on 31 July 2019.⁵

¹ [ICC-01/14-01/18-267-Conf-Red.](#)

² [ICC-01/14-01/18-199.](#)

³ [REDACTED] [ICC-01/14-01/18-257-Conf-AnxA.](#)

⁴ [ICC-01/14-01-18-237-Conf-Red.](#)

⁵ [ICC-01/14-01/18-261-Conf-Red.](#)

4. On 8 August 2019, the Prosecution submitted the “Confidential redacted version of ‘Prosecution’s Urgent Request for the Non-Disclosure of Witness Identities’, 7 August 2019, ICC-01/14-01/18-267-Conf-Exp”.⁶

III. Submissions

5. In the Request, the Prosecution seeks the temporary non-disclosure of witnesses P-[REDACTED]’s and P-[REDACTED]’s identities. The Prosecution intends to rely on these witnesses at the confirmation of charges hearing and guarantees that the identity redactions will be lifted prior to the confirmation of charges hearing.

6. The Defence does not oppose the Request. However, in order to avoid any prejudice and safeguard the fairness of the proceedings, the Defence respectfully reserves its right to ask for an adjournment of the confirmation hearing to address any issue that may arise following the disclosure of P-[REDACTED]’s and P-[REDACTED]’s statements and the lifting of the redactions to their respective identities.

IV. Conclusion

7. In light of the foregoing, the Defence does not oppose to the Prosecution’s request.

RESPECTFULLY SUBMITTED ON THIS 27th DAY OF MARCH 2020



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom



Me Geert-Jan Alexander Knoops
Lead Counsel for Mr. Ngaißsona



Mr. Peter Robinson
Associate Counsel for Mr. Yekatom

⁶ [ICC-01/14-01/18-267-Conf-Red.](#)