



Original: **English**

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

Date: **17 April 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 *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

**Urgent
Public**

**Prosecution's Response to Ngaïssona Defence's Request for *In Limine* Dismissal of
the Prosecution's Submission ICC-01/04-01/18-476 and Alternative Request for
Extension of Time (ICC-01/14-01/18-479)**

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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1. Trial Chamber V (“Chamber”) should reject the Ngaissona Defence’s request for *in limine* dismissal of the Prosecution’s submission of proposed Directions for the Conduct of Proceedings and Protocol on Witness Familiarisation¹ and its alternative request for an extension of time pursuant to regulation 35(2) of the Regulations of the Court.² The Submission responds to the Chamber’s notice of its intention “to issue directions on a variety of matters pursuant to Article 64(8)(b) of the Statute in due course”, and indication that it “may take into account the submissions of the parties on these matters”.³

2. Even in the absence of such indication, there is no procedural bar to a Party requesting a Chamber to adopt procedural directions and protocols.⁴ Contrary to the Defence’s arguments, a Party making such a request is not filing “full-fledged pre-determined protocols”⁵ or “substituting itself as the entity responsible for structuring the conduct of proceedings rather than the Chamber.”⁶ Of course, the Chamber retains the full power to direct the conduct of proceedings and other relevant matters as it deems appropriate, under article 64(8)(b), and consistently with its inherent powers under articles 64(2) and 64(6)(f).⁷

¹ ICC-01/14-01/18-476 (“Submission”).

² ICC-01/14-01/18-479 (“Request”).

³ ICC-01/14-01/18-459, para. 7. *See also* paras. 2 and 3 (indicating the specific items for which the Parties and participants’ submissions were sought, subject to the 8 April 2020 deadline).

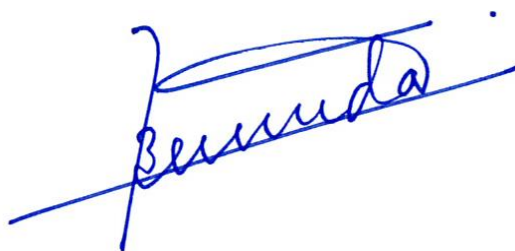
⁴ *See* rule 134(1) of the Rules of Procedure and Evidence.

⁵ Request, para. 3.

⁶ Request, para. 4.

⁷ *See also* the Chambers Practice Manual: para. 83 on directions for the conduct of proceedings; and paras. 78-79 on the adoption of a familiarisation protocol and a protocol governing dual status witnesses.

3. Accordingly, the Request should be dismissed.



Fatou Bensouda, Prosecutor

Dated this 17th day of April 2020
At The Hague, The Netherlands