

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18
Date: 17 December 2018

PRE-TRIAL CHAMBER II

Before: Judge Tomoko Akane, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM***

**Confidential Redacted Document
with**

Under Seal, *EX PARTE*, only available to the Prosecution, Annex A

**Confidential Redacted version of "Prosecution's Request for Redactions to
the Warrant of Arrest for Alfred YEKATOM (ICC-01/14-01/18-1-US-Exp)",
14 November 2018, ICC-01/14-01/18-7-US-Exp**

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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Legal Representatives of the
Victims

Legal Representatives of the
Applicants

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States Representatives

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REGISTRY

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Other
Reparations Section

I. INTRODUCTION

1. Pursuant to the Order¹ of Pre-Trial Chamber II ("Chamber"), the Office of the Prosecutor ("Prosecution") requests the application of specific redactions ("Proposed Redactions") to the Arrest Warrant for **Alfred YEKATOM** ("YEKATOM") with a view to making it public.

2. The Proposed Redactions are justified and legitimately protect against three important risks, also previously identified in the *"Prosecution's Urgent Request for Redactions to the Warrant of Arrest for Alfred YEKATOM"*:² (i) exposing the identities of prospective witnesses cooperating with the Prosecution's continuing investigation; (ii) [REDACTED]; and (iii) [REDACTED].

3. The Proposed Redactions and further explanations are set out in annex A to this filing. Each of the Proposed Redactions falls into one of the above identified categories.

II. CONFIDENTIALITY

4. This request is filed under seal and *ex parte*, pursuant to regulation 23bis(1) of the Regulations of the Court, as it relates to the Application for Warrants of Arrest filed with the same status.³

¹ ICC-01/14-01/18-1-US-Exp ("Arrest Warrant").

² ICC-01/14-01/18-5-US-Exp.

³ ICC-01/14-18-US-Exp.

III. SUBMISSIONS

A. The Proposed Redactions are justified

5. The Proposed Redactions are sought for the reasons set out, in part, in paragraphs 6, and 16-19 of the *"Prosecution's Urgent Request for Redactions to the Warrant of Arrest for Alfred YEKATOM"*,⁴ incorporated here by reference.

6. In addition, the Prosecution considers that if the Arrest Warrant is made public without redaction, [REDACTED].

B. Publication of the Arrest Warrant without the Proposed Redactions presents an unnecessary risk

7. [REDACTED].

8. [REDACTED].

9. [REDACTED].

10. The Chamber should be mindful that **YEKATOM** was arrested on 29 October 2018 together with three former Anti-Balaka members. As is apparently a common occurrence in the CAR, three of the four arrested individuals were allegedly heavily armed. [REDACTED].

11. [REDACTED].

12. [REDACTED].

⁴ ICC-01/14-18-5-US-Exp.

C. The Proposed Redactions mitigate risks to the ongoing investigation

13. [REDACTED], the Arrest Warrant's references to call data records ("CDR") [REDACTED]. As the Chamber is aware, the Prosecution relies on CDR [REDACTED].

D. The Proposed Redactions are narrowly tailored and mitigate the risks presented without causing undue prejudice

14. The Prosecution has limited the Proposed Redactions to the three issues set out in the annex to this Request and indicated as follows: (1) protecting witnesses and [REDACTED] to determine their identities (highlighted in RED); (2) [REDACTED], which also has a witness protection component. [REDACTED]; and (3) [REDACTED].

15. For the same reasons set out in the *"Prosecution's Urgent Request for Redactions to the Warrant of Arrest for Alfred YEKATOM"*,⁵ none of these measures cause prejudice to the public's interest of being informed of the basis of **YEKATOM's** arrest.

16. Under the circumstances the public interest of being informed of the particularities of the allegations underlying **YEKATOM's** Arrest Warrant must yield to the compelling statutory obligation of the Court to both protect the security and safety of witnesses and to ensure that the duties and powers of the Prosecution with respect to investigations is unhindered.

⁵ ICC-01/14-18-5-US-Exp.

IV. CONCLUSION

17. On the above, the Prosecution requests the Chamber to grant the Proposed Redactions to the Arrest Warrant, with a view to making it publicly available.



Fatou Bensouda, Prosecutor

Dated this 17th day of December 2018

At The Hague, The Netherlands.