

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **7 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***

Confidential

**Request for the Extension of Page Limits for the Prosecution's Document
Containing the Charges**

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

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Legal Representatives of Victims

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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

I. Introduction

1. Pursuant to regulations 38(2)(g) and 37(2) of the Regulations of the Court ("Regulations"), the Prosecution requests an extension of the applicable page limit to 250 pages for its Document Containing the Charges.

2. The requested extension is necessary and justified. The case is highly complex and involves a large number of incidents and prospective charges against two Suspects. An extension would allow the Prosecution to fully substantiate the material facts and legal characterisations necessary to meet the requisite legal threshold for the contemplated charges. It would also allow the Prosecution to present the supporting evidence concisely and comprehensively, to assist Pre-Trial Chamber II's ("Chamber") determination on the confirmation of charges.

II. Confidentiality

3. This Request is filed as "*Confidential*" pursuant to regulation 23*bis*(1) of the Regulations, as it contains information that has not yet been made public concerning certain prospective charges. A public redacted version will be filed as soon as practicable.

III. Submissions

4. The Request is justified by "exceptional circumstances" within the meaning of regulation 37(2) of the Regulations:

- a. As directed,¹ the DCC requires an exhaustive referenced presentation of the diverse and multiple sources of evidence establishing substantial grounds to

¹ ICC-01/14-01/18-199, paras. 40-42 (requiring a specific and exhaustive description of the events relating to the crimes charged, *citing* the *Al Hassan* Decision concerning the Time Limit, ICC-01/12-01/18-143-tENG, paras. 29-30).

believe that the Suspects are responsible for crimes within the Court's jurisdiction.

- b. The charges in this case will comprise over 100 counts, concerning crimes committed as part of a widespread and systematic attack by members of the Anti-Balaka against civilian populations in western CAR from December 2013 through at least the end of 2014. They concern events in several towns and villages, including Bangui, Bossangoa, Yaloke, Gaga, Zawa, Bossemptele, Boda, Carnot, Berberati, Mbaiki and Guen, involving a vast territory spread across five western CAR prefectures — Mambere-Kadei, Lobaye, Ombella Mpoko, Ouham, and Ouham-Pende.
 - c. The crimes affected a high number of victims and involve a range of acts, including attacks directed against civilian populations, murder, extermination, forcible transfer and deportation, displacement, rape, torture and mutilation, inhumane acts, cruel treatment, imprisonment and/or severe deprivation of liberty, degrading treatment, persecution, the enlistment and use of children under the age of 15 in hostilities, attacks against buildings dedicated to religion, attacks against the adversary's property, and pillaging.
 - d. The prospective DCC will set out the facts and circumstances of 15 incidents and corresponding crimes, and the basis for each Suspect's criminal responsibility in accordance with the modes of liability provided for under articles 25 and 28, as appropriate.
5. Based on its assessment of the underlying evidence and a review of charges in analogous cases, the Prosecution has calculated that it will require 250 pages in order to adequately address the issues described above.

6. In light of these considerations, and given the need to ensure that the Suspects and the Chamber are fully and clearly informed of the nature and scope of the criminal conduct and charges alleged in the DCC, the requested extension of the applicable page limit is justified.

IV. Relief sought

7. For the above reasons, the Prosecution requests that the Chamber grant an extension of the page limit for its prospective DCC to 250 pages.



Fatou Bensouda, Prosecutor

Dated this 7th day of August 2019
At The Hague, The Netherlands