

**Cour
Pénale
Internationale**
**International
Criminal
Court**



Original: **English**

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

Date: **21 July 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***

Confidential, *EX PARTE*, only available to the Prosecution and VWU

**Prosecution's Request for Extension of Page Limit for Motion concerning Non-
Standard Redactions under Rule 81(2)**

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

Counsel for Patrice-Edouard Ngaïssona

Legal Representatives of Victims

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

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Pursuant to regulations 37(1) and (2) of the Regulations of the Court ("Regulations"), the Office of the Prosecutor ("Prosecution") requests an extension of the applicable page limit for a forthcoming filing concerning non-standard redactions pursuant to rule 81(2) of the Rules of Procedure and Evidence ("Rules"), to a maximum of 33 pages.

II. CONFIDENTIALITY

2. This Request is filed "Confidential, *EX PARTE*, available only to the Prosecution and the VWU" as it relates to a pending filing of the same status. The Prosecution will file a confidential redacted version as soon as possible.

III. SUBMISSIONS

3. The Request is justified by "exceptional circumstances" within the meaning of regulation 37(2) of the Regulations. In the unique circumstances of the CAR II Situation, the Prosecution is in the process of disclosing materials in the case containing information that exposes the targets and lines of inquiry directly relevant to the ongoing investigation into Seleka crimes ("Seleka Investigation"). In the Pre-Trial phase, the Pre-Trial Chamber granted the Prosecution's applications to redact such material under rule 81(2).

4. The Prosecution now intends to file a further application for non-standard redactions under rule 81(2) regarding seven witnesses and their related materials due to be disclosed ("Rule 81(2) Request"). To best assist the Chamber, the Rule 81(2) Request will set out:

- a. The nature of the risk of confidential and highly sensitive information relevant to the Seleka Investigation being leaked or inadvertently

disclosed, which could jeopardise the investigation;

- b. An overview of the information contained in the witness-related materials and its relevance to both the Seleka Investigation and the present proceedings;
- c. A detailed justification for each redaction sought, setting out the precise relevance to the Seleka Investigation and why redactions under rule 81(2) are justified.

5. Given the volume of materials included in the Rule 81(2) Request, an extension of the 20 page limit is needed in order to fully substantiate the Prosecution's arguments. While the Prosecution could alternatively file two or more separate requests, a consolidated filing is in the interests of judicial economy as it will assist the Chamber to view the individual requests in a broader context and help the Chamber appreciate the recurring subjects in the materials identified that have direct bearing on the Seleka Investigation.

IV. RELIEF SOUGHT

6. For the above reasons, the Prosecution requests the Chamber to authorise an extension of the page limit for the proposed Rule 81(2) Request to a maximum of 33 pages.



Fatou Bensouda, Prosecutor

Dated this 21st July 2020
At The Hague, The Netherlands