

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **18 January 2021**

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

**Prosecution's Response to the Request for authorisation of in-person legal visits
with Mr. Yekatom (ICC-01/14-01/18-816-Conf)**

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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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

Registrar

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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") considers that Trial Chamber V ("Chamber") should grant YEKATOM's request for authorisation of in-person legal visits.¹ The Request raises several considerations warranting the Chamber's direct intervention.

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(1) of the Regulations of the Court ("RoC"), this Response is filed as "*Confidential*", as it concerns a filing of the same designation. A "Public Redacted" version will be filed as soon as practicable.

III. SUBMISSIONS

3. Subject to reasonable regulation, *in-person* contact with Counsel is inherent to the meaningful exercise of an Accused's procedural rights under the Statute. The right to adequate preparation and effective legal representation under article 67 are both implicated. Their importance is further heightened as the start of trial approaches in this case.

4. The temporary measures implemented at the ICC Detention Centre suspending all visits including by Counsel — for now almost one year — are not without impact. Reasonable accommodation has been made at the Court, such as the implementation of a video-link system. However, it is important to recognise that in the course of legal representation of an Accused, such mitigation might not substitute for in-person contact with Counsel in all circumstances, and particularly at key stages of the proceedings.

¹ ICC-01/14-01/18-816-Conf ("Request").

5. The prevailing Detention Centre restrictions are neither disproportionate, nor cause *undue* prejudice to the Accused given the underlying and compelling health and safety justifications for their imposition. Nevertheless, article 64(2) confers broad authority on the Chamber to intervene in any matter having the potential to affect the fairness of proceedings before it.

6. Thus, in view of the precipitating circumstances and the limited relief requested, the Prosecution considers that the Chamber's prompt and decisive intervention to resolve the matter is warranted here.

IV. CONCLUSION

7. For the above reasons, the Request should be granted.



James Stewart, Deputy Prosecutor

Dated this 18th day of January 2021

At The Hague, The Netherlands