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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
*THE PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-ÉDOUARD NGAÏSSONA***

Confidential

**Common Legal Representatives of Victims' Joint Response to
the "Prosecution's Application for Notice to be given pursuant to Regulation 55(2)
on Accused YEKATOM's Individual Criminal Responsibility"**

Source: Common Legal Representatives of Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Karim A. A. Khan KC
Mr Kweku Vanderpuye

Counsel for Alfred Yekatom

Ms Mylène Dimitri
Mr Thomas Hannis
Ms Anta Guissé

Counsel for Patrice-Édouard Ngaïssona

Mr Geert-Jan Alexander Knoops
Ms Marie-Hélène Proulx
Mr Richard Omissé-Namkeamai

Legal Representatives of the Victims

Mr Dmytro Suprun
Mr Abdou Dangabo Moussa
Ms Elisabeth Rabesandratana
Mr Yaré Fall
Ms Marie Édith Douzima Lawson
Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Mr Dmytro Suprun

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section Other**

I. INTRODUCTION

1. The Common Legal Representative of the Former Child Soldiers and the Common Legal Representatives of the Victims of Other Crimes (jointly the "CLRV") hereby file their joint response to the "Prosecution's Application for Notice to be given pursuant to Regulation 55(2) on Accused YEKATOM's Individual Criminal Responsibility" (the "Prosecution's Application" or the "Application").¹

2. The CLRV support the Prosecution's Application and submit that the timing for the Trial Chamber to exercise its discretion is appropriate at this juncture. In fact, the Prosecution is about to close its presentation of evidence and the Defence has still some time before is given ample opportunity to develop its case. Therefore, the Defence would be able to fully avail itself of the rights provided for in regulation 55(3) of the Regulations of the Court (the "Regulations"), including having adequate time and facilities for the effective preparation of its case.

3. The CLRV further submit that the Prosecution's Application meets the legal criteria under regulations 55(1) and (2) of the Regulations. The body of evidence introduced by the Prosecution so far supports the re-characterisation of the modes of liability in relation to Mr Yekatom. In these circumstances, providing a regulation 55 notice is appropriate, in the interest of a fair and expeditious trial, consistent with the Accused's rights under article 67(1)(a) to (c) of the Rome Statute (the "Statute"), and necessary for the realisation of Victims' rights. Indeed, since it would allow for an in-depth analysis of alternative forms of the Accused's liability, such notice directly impacts the Victims' right to truth and justice.

¹ See the "Prosecution's Application for Notice to be given pursuant to Regulation 55(2) on Accused YEKATOM's Individual Criminal Responsibility", [No. ICC-01/14-01/18-1973-Conf](#), 7 July 2023 (the "Prosecution's Application" or the "Application").

II. PROCEDURAL BACKGROUND

4. On 11 December 2019, Pre-Trial Chamber II (the "Pre-Trial Chamber") issued the "Decision on the confirmation of charges against Alfred Yekatom and Patrice-Édouard Ngaïssona" (the "Decision confirming the charges").²

5. On 11 March 2020, the Pre-Trial Chamber issued the "Decision on the Prosecutor's request for reconsideration or, in the alternative, leave to appeal the 'Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona'", rejecting the Prosecution's request.³

6. On 31 March 2020, the Prosecution filed before the Pre-Trial Chamber its "[...] Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges" (the "Prosecution's Request to Amend Charges and Notice of Intention to Add Additional Charges").⁴

7. On 14 April 2020, the CLRV filed their joint response to the Prosecution's Request to Amend Charges and Notice of Intention to Add Additional Charges.⁵ On the same day, the Defence for Mr Yekatom (the "Yekatom Defence") filed its response.⁶

² See the "Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona" (Pre-Trial Chamber II), [No. ICC-01/14-01/18-403-Conf](#), 11 December 2019. A public redacted version was issued on 20 December 2019 as [No. ICC-01/14-01/18-403-Red](#) (the "Decision confirming the charges").

³ See the "Decision on the Prosecutor's request for reconsideration or, in the alternative, leave to appeal the 'Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona'" (Pre-Trial Chamber II), [No. ICC-01/14-01/18-447](#), 11 March 2020.

⁴ See the "Prosecution's Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges", [No. ICC-01/14-01/18-468-Conf](#), 31 March 2020. A public redacted version was issued on 31 March 2020 as [No. ICC-01/14-01/18-468-Red](#). On 16 April 2020, a corrected confidential version was issued as [No. ICC-01/14-01/18-480-Conf](#). On 17 April 2020, a public redacted version of the corrected version was issued as [No. ICC-01/14-01/18-480-Red](#).

⁵ See the "Common Legal Representatives' Joint Response to the 'Prosecution's Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges'", [No. ICC-01/14-01/18-475](#), 14 April 2020.

⁶ See the "Defence Response to the Prosecution's Request to Amend Charges pursuant to Article 61(9) (ICC-01/14-01/18-468-Conf)", [No. ICC-01/14-01/18-477-Conf](#), 14 April 2020. A public redacted version was filed on 16 April 2020 as [No. ICC-01/14-01/18-477-Red](#).

8. On 30 April 2020, the Prosecution filed its "[...] Application for Notice to be given pursuant to Regulation 55(2) on Accused Yekatom's Individual Criminal Responsibility" (the "Prosecution's First Application").⁷

9. On 14 May 2020, the Pre-Trial Chamber rejected the Prosecution's Request to Amend Charges and Notice of Intention to Add Additional Charges.⁸ On the same day, the CLRV⁹ and the Yekatom Defence¹⁰ filed their responses to the Prosecution's First Application.

10. On 2 June 2020, the Trial Chamber V (the "Chamber") issued the "Decision on the Prosecution's Application for Notice to be given pursuant to Regulation 55(2) on Mr Yekatom's Individual Criminal Responsibility,"¹¹ rejecting the Prosecution's First Application and indicating that its decision is "*without prejudice to provide notice at a later point in time*".¹²

11. On 1 April 2022, the Prosecution filed its "[...] [R]enewed application for Notice to be Given under Regulation 55(2) on Accused Yekatom's Individual Criminal

⁷ See the "Prosecution's Application for Notice to be given pursuant to Regulation 55(2) on Accused Yekatom's Individual Criminal Responsibility", [No. ICC-01/14-01/18-503-Conf](#), 1 May 2020. A public redacted version was filed on the same day as [No. ICC-01/14-01/18-503-Red](#).

⁸ See the "Decision on the 'Prosecution's Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges'" (Pre-Trial Chamber II), [No. ICC-01/14-01/18-517](#), 14 May 2020.

⁹ See the "Common Legal Representatives' Joint Response to the 'Prosecution's Application for Notice to be given pursuant to Regulation 55(2) on Accused Yekatom's Individual Criminal Responsibility'", [No. ICC-01/14-01/18-514](#), 14 May 2020.

¹⁰ See the "Yekatom Defence Response to Prosecution's Regulation 55 Application", [No. ICC-01/14-01/18-515](#), 14 May 2020.

¹¹ See the "Decision on the Prosecution's Application for Notice to be given pursuant to Regulation 55(2) on Mr Yekatom's Individual Criminal Responsibility" (Trial Chamber V), [No. ICC-01/14-01/18-542](#), 2 June 2020 (the "First Decision").

¹² *Idem*, para. 16.

Responsibility”(the “Second Application”)¹³ to which the CLRV¹⁴ and the Yekatom Defence¹⁵ responded respectively on 14 and 25 April 2022.

12. On 24 June 2022, the Chamber rejected the Prosecution’s Second Application, *“without prejudice to notice being given in accordance with Regulation 55 of the Regulations at a later stage, if and when it appears appropriate to the Chamber to do so”*.¹⁶

13. On 7 July 2023, the Prosecution filed its third Application.¹⁷

III. CLASSIFICATION

14. Pursuant to regulation 23*bis* (2) of the Regulations, the present submissions are filed confidential following the classification chosen by the Prosecution. A public redacted version will be filed in due course.

IV. SUBMISSIONS

1. Applicable law

15. Regulation 55(1) and (2) of the Regulations reads as follows:

“1. In its decision under article 74, the Chamber may change the legal characterisation of facts to accord with the crimes under articles 6, 7 or 8, or to accord with the form of participation of the accused under articles 25 and 28, without exceeding the facts and circumstances described in the charges and any amendments to the charges.

3. *If, at any time during the trial, it appears to the Chamber that the legal characterisation of facts may be subject to change, the Chamber shall give*

¹³ See the “Prosecution’s renewed application for Notice to be Given under Regulation 55(2) on Accused Yekatom’s Individual Criminal Responsibility”, No. ICC-01/14-01/18-1345-Conf, 1 April 2022. A public redacted version was filed on 7 April 2022 as [No. ICC-01/14-01/18-1345-Red](#).

¹⁴ See the “Common Legal Representatives’ Joint Response to the ‘Prosecution’s renewed application for Notice to be Given under Regulation 55(2) on Accused Yekatom’s Individual Criminal Responsibility’”, [No. ICC-01/14-01/18-1362](#), 14 April 2022.

¹⁵ See the “Yekatom Defence Response to ‘Prosecution’s renewed application for Notice to be Given under Regulation 55(2) on Accused Yekatom’s Individual Criminal Responsibility’ (ICC-01/14-01/18-1345-Conf)”, [No. ICC-01/14-01/18-1378-Exp](#), 25 April 2022. Pursuant to the Chamber’s instruction dated 17 May 2022, this document was reclassified as Public as [No. ICC-01/14-01/18-1378](#).

¹⁶ See the “Decision on the Prosecution Renewed Application for Notice to be Given Pursuant to Regulation 55(2) on Mr Yekatom’s Individual Criminal Responsibility” (Trial Chamber V), [No. ICC-01/14-01/18-1482](#), 24 June 2022.

¹⁷ See the Prosecution’s Application, *supra* note 1.

notice to the participants of such a possibility and having heard the evidence, shall, at an appropriate stage of the proceedings, give the participants the opportunity to make oral or written submissions. The Chamber may suspend the hearing to ensure that the participants have adequate time and facilities for effective preparation or, if necessary, it may order a hearing to consider all matters relevant to the proposed change".

16. In the *Bemba et al.* case, Trial Chamber VII held that regulation 55 of the Regulations establishes a three-stage procedure to modify the legal characterisation of facts:

"(1) The Chamber decides whether it appears to it that the legal characterisation of facts may be subject to change and the Chamber gives notice to the participants of such a possibility;

(2) Having heard the evidence in the case, the Chamber shall, at an appropriate stage of the proceedings, give the participants the opportunity to make oral or written submissions as to the propriety of the actual legal recharacterisation; and

(3) In its decision under Article 74 of the Statute, the Chamber may decide, pursuant to Regulation 55(1) of the Regulations, whether to make the proposed recharacterisation for which notice was given at the first stage".¹⁸

17. The Appeals Chamber further clarified that the purpose of regulation 55 is to "close accountability gaps",¹⁹ and that if a trial chamber could not re-visit the legal characterisation of facts confirmed by a pre-trial chamber, there would be a "risk of acquittals that are merely the result of legal qualifications confirmed in the pre-trial phase that turn out to be incorrect [...]. This would be contrary to the aim of the Statute to 'put an end to

¹⁸ See the "Decision on Prosecution Application to Provide Notice pursuant to Regulation 55" (Trial Chamber VII), [No. ICC-01/05-01/13-1250](#), 15 September 2015, para. 8.

¹⁹ See the "Judgment on the appeals of Mr Lubanga Dyilo and the Prosecutor against the Decision of Trial Chamber I of 14 July 2009 entitled 'Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court'" (Appeals Chamber), [No. ICC-01/04-01/06-2205 OA 15 OA 16](#), 8 December 2009, para. 77. See also the "Judgment on the appeal of Mr Germain Katanga against the decision of Trial Chamber II of 21 November 2012 entitled 'Decision on the implementation of regulation 55 of the Regulations of the Court and severing the charges against the accused persons'" (Appeals Chamber), [No. ICC-01/04-01/07-3363 OA 13](#), 27 March 2013, para. 22 and 104. See also the "Decision on Prosecution Application to Provide Notice pursuant to Regulation 55", *supra* note 18, para. 7.

impunity".²⁰ The Appeals Chamber also found that notice under regulation 55(2) of the Regulations "*should always be given as early as possible*".²¹

18. Furthermore, the Appeals Chamber considered that there is "*no legal impediment to a Trial Chamber re[-]characterising facts and circumstances to include a mode of liability that was considered, but not confirmed by [a] Pre-Trial Chamber, so long as the facts and circumstances that could potentially be re[-]characterised were confirmed by that Pre-Trial Chamber*".²² It further held that "*there is no additional requirement for a Trial Chamber to establish that the circumstances of the case are 'special' or 'extraordinary' in order to issue notice under that provision prior to the start of the presentation of evidence in the case*".²³ Rather, "*regulation 55(2) of the Regulations of the court requires notice to be issued when it 'appears' to the Trial Chamber that the legal characterisation of facts may be subject to change*".²⁴ Finally, the Appeals Chamber also found that "*notice of any legal re-characterisation essentially depends on whether and when it appears to the Chamber that legal re-characterisation may be possible [...] such an 'appearance' can arise from: (i) the 'facts and circumstances' described in the charges; and/or (ii) the evidence led at trial*".²⁵

²⁰ See the "Judgment on the appeal of Mr Laurent Gbagbo against the decision of Trial Chamber I entitled 'Decision giving notice pursuant to Regulation 55(2) of the Regulations of the Court'" (Appeals Chamber), [No. ICC-02/11-01/15-369](#), 18 December 2015, para. 31. See also the "Judgment on the appeals of Mr Lubanga Dyilo and the Prosecutor against the Decision of Trial Chamber I of 14 July 2009 entitled 'Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court'", *supra* note 19, para. 77.

²¹ See the "Judgment on the appeal of Mr Germain Katanga against the decision of Trial Chamber II of 21 November 2012 entitled 'Decision on the implementation of regulation 55 of the Regulations of the Court and severing the charges against the accused persons'", *supra* note 19, para. 24. See also the "Judgment on the appeal of Mr Laurent Gbagbo against the decision of Trial Chamber I entitled 'Decision giving notice pursuant to Regulation 55(2) of the Regulations of the Court'", *supra* note 20, para. 49; and the "Decision giving notice pursuant to Regulation 55(2) of the Regulations of the Court" (Trial Chamber I), [No. ICC-02/11-01/15-185](#), 19 August 2015, para. 11.

²² See the "Judgment on the appeal of Mr Laurent Gbagbo against the decision of Trial Chamber I entitled 'Decision giving notice pursuant to Regulation 55(2) of the Regulations of the Court'", *supra* note 20, paras. 2, 32.

²³ *Idem*, para. 67.

²⁴ *Idem*, para. 51.

²⁵ See the "Public redacted version of 'Decision on application for notice of possibility of variation of legal characterisation pursuant to Regulation 55(2) of the Regulations of the Court'" (Trial Chamber X), [No. ICC-01/12-01/18-1211-Red](#), 25 June 2021.

19. The CLRV note that the Prosecution's Request for Reconsideration or Leave to Appeal²⁶ and the Prosecution's Request to Amend Charges and Notice of Intention to Add Additional Charges²⁷ have been rejected by the Pre-Trial Chamber.²⁸ In this regard, and as previously submitted,²⁹ they recall the Appeals Chamber's finding according to which "*resort to regulation 55 by the Trial Chamber is not contingent on whether the procedure under article 61(9) of the Statute for the amendment of charges was applied*".³⁰

2. The Prosecution's Application meets the relevant legal criteria under regulation 55 of the Regulations

20. The CLRV posit that the Prosecution's Application fully meets the legal criteria under regulation 55(1) and (2) of the Regulations as developed by the Appeals Chamber.³¹ In fact, what is essential under said provision is that the requested notice takes into account the accumulated body of evidence before the Trial Chamber and does not exceed the facts and circumstances described in the charges as confirmed by the Pre-Trial Chamber.³²

²⁶ See the "Prosecution's Request for Reconsideration of, or alternatively Leave to Appeal, the 'Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona'", [No. ICC-01/14-01/18-437](#), 2 March 2020.

²⁷ See the "Prosecution's Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges", *supra* note 4.

²⁸ See the "Decision on the Prosecutor's request for reconsideration or, in the alternative, leave to appeal the 'Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona'", *supra* note 3; and the "Decision on the 'Prosecution's Request to Amend Charges pursuant to Article 61(9) and for Correction of the Decision on the Confirmation of Charges, and Notice of Intention to Add Additional Charges'", *supra* note 8.

²⁹ See the "Common Legal Representatives' Joint Response to the 'Prosecution's renewed application for Notice to be Given under Regulation 55(2) on Accused Yekatom's Individual Criminal Responsibility'", *supra* note 14, para. 26.

³⁰ See the "Judgment on the appeal of Mr Laurent Gbagbo against the decision of Trial Chamber I entitled 'Decision giving notice pursuant to Regulation 55(2) of the Regulations of the Court'", *supra* note 20, para. 32.

³¹ See the "Decision on the Prosecutor's request for reconsideration or, in the alternative, leave to appeal the 'Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona'", *supra* note 3, para. 20.

³² See the Prosecution's Application, *supra* note 1, paras. 6-7.

21. In this regard, and in response to the arguments previously advanced by the Defence,³³ the CLRV note that in fact the Application does not request the Chamber to “review” the Decision confirming the charges issued by the Pre-Trial Chamber,³⁴ but to consider the totality of the evidence already before it.³⁵

a) The Prosecution's Application is timely

22. The Prosecution's Application is only the first step in the three-stage procedure to modify the legal characterisation under regulation 55 of the Regulations.³⁶ It is not a request to actually proceed with the legal re-characterisation of facts under regulation 55(1), but to rather provide a notice of the *possibility* of such a re-characterisation pursuant to regulation 55(2) of the Regulations.

23. Accordingly, granting the Application and providing notice as early as possible is in the interest of expeditious and fair proceedings. It would ensure that Mr Yekatom is informed promptly and in detail about the charges before the completion of the Prosecution's presentation of evidence. It would also ensure that the Defence is given enough time to prepare in relation to the alternate modes of liability.

b) The facts and circumstances 'appear' to support re-characterisation

24. The CLRV concur with the Prosecution that, considering the evidence at hand, the facts concerning Mr Yekatom's criminal responsibility may be re-characterised to accord with the modes of liability set out in articles 28(a), and 25(3)(c) and (d) of the Statute.³⁷ In light of the evidence presented by the Prosecution so far, there is a clear indication that the overall evidence could demonstrate that Mr Yekatom's alleged

³³ See the “Yekatom Defence Response to ‘Prosecution's renewed application for Notice to be Given under Regulation 55(2) on Accused Yekatom's Individual Criminal Responsibility’ (ICC-01/14-01/18-1345-Conf)”, *supra* note 15, paras. 3-10 and 20-49.

³⁴ See the First Decision, *supra* note 11, para. 15.

³⁵ See the Prosecution's Application, *supra* note 1, paras. 11-38.

³⁶ See the “Decision on Prosecution Application to Provide Notice pursuant to Regulation 55”, *supra* note 18, para. 8.

³⁷ See the Prosecution's Application, *supra* note 1, paras. 11-38.

participation in the crimes was of such a nature so as to meet the constitutive elements of said modes of liability. In these circumstances, a *“Chamber should not be precluded from rendering a judgment ultimately, and having regard to the submissions of the Defence, under the mode of liability which most accurately describes the accused’s participation in the alleged crime”*.³⁸

25. In this regard, the CLRV recall that the Pre-Trial Chamber in the Decision confirming the charges in this case, considered that *“a Trial Chamber is better poised to fully assess the relevant circumstances and that, in light of regulation 55 of the Regulations, providing early notice as to the applicable legal qualifications is beneficial both for the rights of the Defence and judicial economy”*.³⁹

c) The notice under regulation 55 of the Regulations is consistent with Mr Yekatom’s rights

26. The CLRV recall that one of the aims of regulation 55 of the Regulations is to ensure that the accused is informed as early as possible of a potential change to the legal characterisation of facts.⁴⁰ This is in line with the jurisprudence developed by the European Court of Human Rights⁴¹ and the Inter-American Court of Human Rights.⁴² In particular, *“when making a Regulation 55(2) Assessment, the Chamber must remain mindful of the rights of the accused. In particular, the Chamber must ensure that the accused: (i) receives the specific facts within the ‘facts and circumstances described in the charges’ which*

³⁸ See the “Second Decision on notice of possibility of variation of legal characterisation pursuant to Regulation 55(2) of the Regulations of the Court” (Trial Chamber X), [No. ICC-01/12-01/18-1739-Red](#), 20 September 2021, para. 39.

³⁹ See the Decision confirming the charges, *supra* note 2, para. 121.

⁴⁰ See the “Judgment on the appeal of Mr Germain Katanga against the decision of Trial Chamber II of 21 November 2012 entitled ‘Decision on the implementation of regulation 55 of the Regulations of the Court and severing the charges against the accused persons’”, *supra* note 19, para. 100.

⁴¹ See ECtHR, *Pélissier and Sassi v. France*, Application No. 25444/94, [Judgment](#), 25 March 1999; *Dallos v. Hungary*, Application No. 29082/95, [Judgment](#), 1 March 2001; *Sadak and others v. Turkey*, Applications. Nos. 29900/96, 29901/96, 29902/96 and 29903/96, [Judgment](#), 17 July 2001; *R.H. and others v. Austria*, Application No. 42780/98, [Judgment](#), 20 April 2006; *Miriaux v. France*, Application No. 73529/01, [Arrêt](#), 26 September 2006; *Mattei v. France*, Application No. 34043/02, [Arrêt](#), 19 December 2006; *Abramyan v. Russia*, Application No. 10709/02, [Judgment](#), 9 October 2008.

⁴² See IACtHR, *Fermin Ramirez v. Guatemala*, [Judgment of 20 June 2005](#), Series C, No. 126.

may be relied upon and (ii) the accused is given adequate time and facilities for the effective preparation of his or her defence".⁴³

27. Therefore, providing a regulation 55 notice at this stage of the proceedings is consistent with Mr Yekatom's rights and is in his very interest, insofar as he will be informed promptly and in detail of the nature, cause and content of the charges he faces. Given the imminent closing of the presentation of evidence by the Prosecution, this course of actions would also be consistent with the right of the Defence to adequately prepare its case, adapt its strategy in view of said notice, and eventually request that safeguards are put in place under regulation 55(2) and (3) of the Regulations.⁴⁴

28. In light of the above, the CLRV posit that notice of a possible legal re-characterisation of the facts as sought by the Prosecution is consistent with Mr Yekatom's rights under articles 67(1)(a) to (c) of the Statute and with the duty of the Chamber under article 64(2) of the Statute to "*ensure that a trial is fair and expeditious and is conducted with full respect to the rights of the accused*".

V. VIEWS AND CONCERNS OF THE VICTIMS

29. The Victims expect justice to be done in the most effective way and without undue delay. Accordingly, they expressed their wish for a regulation 55 notice to be given, as requested by the Prosecution, at this stage of the proceedings. The Victims also expect the truth to be established to the fullest extent. They believe that providing the notice under regulation 55 at this stage, and before the Defence's presentation of its case, will allow for an in-depth assessment of all possible forms of Mr Yekatom's

⁴³ See the "Decision on Applications for Notice of Possibility of Variation of Legal Characterisation" (Trial Chamber V(A)), [No. ICC-01/09-01/11-1122](#), 12 December 2013, para. 20. See also, the "Judgment on the appeal of Mr Germain Katanga against the decision of Trial Chamber II of 21 November 2012 entitled 'Decision on the implementation of regulation 55 of the Regulations of the Court and severing the charges against the accused persons'", *supra* note 19, paras. 100-101.

⁴⁴ See the "Decision on Applications for Notice of Possibility of Variation of Legal Characterisation", *supra* note 43, para. 43.

involvement in the commission of the crimes and will contribute to effective realisation of their fundamental right to truth and justice.

30. In particular, the participating Victims Former Child Soldiers expressed their wish to see Mr Yekatom also being tried as a commander because that is the role he played during the time they spent in the Anti-Balaka ranks. In fact, during that time Victims were either under Mr Yekatom's direct command or under the command of the relevant ComZones, who were in turn directly subordinated to Mr Yekatom as the chief commander of the Anti-Balaka group.

VI. CONCLUSION

31. For the foregoing reasons, the CLRV respectfully request the Chamber to grant the Prosecution's Application.



Dmytro Suprun

Common Legal Representative
Victims Former Child Soldiers



Paolina Massidda

On behalf of the Common Legal
Representatives
Victims of Other Crimes

Dated this 20th day of July 2023
At The Hague (The Netherlands)