



Original: English

**No. ICC-01/14-01/18
Date: 9 November 2023**

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public

**Decision on the Prosecution's Second Request for Extension of Time to Propose
Public Redacted Versions of Rule 68(2) Testimonies**

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

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Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Regulation 35 of the Regulations of the Court (the ‘Regulations’), issues this ‘Decision on the Prosecution’s Second Request for Extension of Time to Propose Public Redacted Versions of Rule 68(2) Testimonies’.

1. On 22 September 2023, the Single Judge granted a request by the Office of the Prosecutor (the ‘Prosecution’) to extend the deadline for the proposal of public redacted versions of prior recorded testimonies introduced under Rule 68(2) of the Rules of Procedure and Evidence (the ‘Rules’ and the ‘PRVs’) until 15 November 2023.¹
2. On 3 November 2023, the Prosecution requested a further extension of time under Regulation 35 of the Regulations to the end of December 2023 (the ‘Request’).²
3. At the outset, having regard to Regulation 35 of the Regulations, the Single Judge does not consider it necessary to receive views from the other participants before deciding on the Request.
4. The Single Judge notes the Prosecution’s submissions that, out of the 34 witnesses it intends to rely on and whose prior recorded testimony was introduced pursuant to Rule 68(2)(b) of the Rules, there remain eight whose prior recorded testimonies still need to be certified and for whom no PRVs have been proposed yet. According to the Prosecution, while ‘[s]ome of these certifications are anticipated to take place’ in time for it to comply with the 15 November 2023 deadline, others present ‘serious challenges’. The Prosecution also argues that the proposed redactions ‘necessarily depend on discussions with the witness[es] regarding their security concerns’, including the publication of their identities. As

¹ Decision on the Prosecution’s Requests for Extension of Time for Public Redacted Versions of Prior Recorded Testimonies and for Publication of Summaries, ICC-01/14-01/18-2107 (the ‘First Decision’), paras 1-5, p. 6.

² Prosecution’s Second Request for Variation of Time Limit pursuant to Regulation 35 for the Proposal of Public Redacted Versions of Prior Recorded Testimony Introduced under Rule 68(2), ICC-01/14-01/18-2191, paras 1, 12.

to those witnesses whose prior recorded testimonies are already certified, the Prosecution indicates that PRVs have been or will be proposed shortly.³

5. In light of the explanations provided, the Single Judge is satisfied that good cause has been shown pursuant to Regulation 35 of the Regulations.
6. However, noting that the Prosecution appears to be ready to propose PRVs for the vast majority of prior recorded testimonies by **15 November 2023**, and in order to afford the rest of participants sufficient time to provide their views on the suggested redactions, the Single Judge instructs the Prosecution to provide all available proposed PRVs, including those concerning prior recorded testimony introduced under Rule 68(2)(c) of the Rules, by that date. The remaining proposed PRVs may be provided until **22 December 2023**, at the latest.
7. Considering that the number of remaining PRVs still to be proposed should be limited, the Single Judge modifies the deadline for the rest of participants to provide their views on the proposed redactions for all PRVs to **12 April 2024**.⁴

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

PARTLY GRANTS the Request, as indicated in paragraph 6 above; and

ORDERS the rest of participants to provide their views, if any, to the PRVs suggested by the Prosecution on a rolling basis and no later than **12 April 2024**.

Done in both English and French, the English version being authoritative.



Judge Bertram Schmitt
Single Judge

Dated 9 November 2023

At The Hague, The Netherlands

³ Request, ICC-01/14-01/18-2191, paras 4-9.

⁴ See First Decision, ICC-01/14-01/18-2107, para. 9, p. 6.