



Original: **English**

No.: **ICC-01/14**
Date: **22 May 2024**

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

Public

**Public Redacted Version of “Prosecution’s Request for the Adoption of the
Redactions Regime
applied in the case against *Yekatom & Ngaissona* for the entire CAR II Situation”
(ICC-01/14-01/22-15-US-Exp, filed on 30 December 2019)**

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 Julian Nicholls

Counsel for the Defence

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

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Office of the Prosecutor requests Pre-Trial Chamber II (“Chamber”) to permit it to apply the redactions regime adopted for the case of *The Prosecutor v. Alfred Yekatom and Patrice-Eduard Ngaissona* (“*Yekatom & Ngaissona*”)¹ to the entirety of the cases under investigation in the CAR II Situation (“Request”).

2. Applying the *Yekatom & Ngaissona* redactions regime will facilitate the discharge of future disclosure obligations by all Parties and Participants in any future cases emanating from the CAR II Situation. It will promote an efficient disclosure process, create consistency and coherence between the pre-trial and trial phases of the proceedings, and produce a common understanding of the nature of redactions between all Parties and Participants and the Chamber. Additionally, adhering to the *Yekatom & Ngaissona* redactions regime will facilitate disclosure of materials to Counsel for the Defence [REDACTED].²

II. CONFIDENTIALITY

3. The Request is filed under seal, *ex parte* only available to the Prosecution pursuant to regulation 23*bis*(1) of the Regulations of the Court as it relates to an Application³ filed with the same status. The Prosecution requests that the Chamber issue its decision with the same classification. The Prosecution will seek to unseal both this Request and any related decisions as soon as practicable.

¹ Decision on Disclosure and Related Matters, *The Prosecutor v. Alfred Yekatom*, ICC-01/14-01/18-64-Conf, para. 23 – 32.

² [REDACTED].

³ [REDACTED].

III. SUBMISSIONS

4. The *Yekatom & Ngaissona* redactions regime⁴ should be applied to the entirety of the CAR II Situation, as this would provide a clear and predictable process through which the Prosecution can fairly and efficiently manage the complexities of disclosure in all potential future cases before this Chamber. [REDACTED], the Prosecution is organising the relevant materials to be as disclosure ready as possible should a Suspect be arrested or surrendered. This process also includes the application of standard redactions to materials which form part of the Prosecution's list of evidence where justified and necessary. As the redactions process is highly resource intensive, the Prosecution seeks to start as early as possible and to avoid revisiting the question of standard redactions applications in the future.

5. The CAR II Situation is split into two investigations, but both the Anti-Balaka and Seleka Investigations register and process evidence in one unified database. The investigations also overlap on several issues, which will necessitate disclosure of materials in a potential Seleka case which have already been disclosed in the case against *Yekatom & Ngaissona* and *vice versa*. [REDACTED]. This disclosure will include materials that require standard redactions, such as witness statements. In order to disclose the materials to the Defence in a timely and consistent manner, the redactions regime of the case against *Yekatom & Ngaissona* should be applied to these materials already at this stage.

6. Adopting the *Yekatom & Ngaissona* redactions regime for the entirety of the CAR II Situation will cause no prejudice to the Defence in a future case, as it will not preclude the Defence from challenging it or seeking to alter or lift applied redactions. Moreover, applying this regime will assist the Prosecution in meeting its disclosure obligations in a timely manner and ensure the necessary consistency throughout the

⁴ Decision on Disclosure and Related Matters, *The Prosecutor v. Alfred Yekatom*, ICC-01/14-01/18-64-Conf, 23/01/2019, para. 23.

different cases and disclosures emanating from one unified evidence collection database.

IV. RELIEF SOUGHT

7. For the above reasons, the Prosecution requests that the Chamber adopt the redactions regime as applied in the case against *Yekatom & Ngaissona* for the entirety of the CAR II Situation.



Karim A. A. Khan KC, Prosecutor

Dated this 22nd day of May 2024
At The Hague, The Netherlands