



Original: English

No.: ICC-01/14-01/18
Date: 19 February 2025

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung
Judge Beti Hohler, Alternate Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public

Public redacted version of "Prosecution's Response to the "Confidential Redacted Version of 'Urgent Request for Review of Registrar decision on the "Request for review of CSS Decision of 14 January 2025" submitted by the Yekatom Defence on 16 January 2025', 3 February 2025, ICC-01/14-01/18-2756-Conf-Exp" (ICC-01/14-01/18-2756-Conf-Red)", ICC-01/14-01/18-2757-Conf, 7 February 2025

Source: Office of the Prosecutor

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

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☒ Counsel for the Defence
D29 and D30

☒ Legal Representatives of the Victims
V44 and V45

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Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for
Victims

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Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar
M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) defers to the discretion of Trial Chamber V (“Chamber”) in the disposition of the Yekatom Defence’s ‘Urgent Request for Review of Registrar decision on the “Request for review of CSS Decision of 14 January 2025”’,¹ subject to the limited observations below.

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(2) of the Regulations of the Court (“RoC”), this submission is filed as “Confidential”, as it responds to a filing of the same designation. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

3. As noted, the Prosecution defers to the Chamber in the disposition of the Urgent Request, noting the Chamber’s express authority to intercede in such matters as conferred by Regulation 83(4) of the RoC.

4. While Option 1 and Option 2 presented by the Registrar² are consistent with the Legal Aid Policy (“LAP”) on funding during the reduced activity phase, their application in this circumstance may not be sufficiently narrowly tailored as to avoid encroaching article 67(1)(b) and (d) unnecessarily. Although this may be warranted where competing rights and interests, including where the Court’s administration requires, such justification does not emerge from Defence’s exchanges apparently had with the Registry.³

5. The Prosecution is not privy to the underlying 14 January 2025 CSS Decision or the relevant exchange, but notes that the proposed reduced activity composition of

¹ ICC-01/14-01/18-2756-Conf-Red (“Urgent Request”).

² ICC-01/14-01/18-2756-Conf-Red, para. 3.

³ ICC-01/14-01/18-2756-Conf-Red, para. 86 [REDACTED].

the Defence team “equates to 50% of the trial composition (5.75) and does not exceed or come at any extra cost or resources than the two options.”⁴

6. The Prosecution does not consider that Option 1 and Option 2 as advanced by the Registry⁵ have or will result in prejudice to the Accused’s rights in these proceedings. With that said however, to the extent that there are no significant procedural or administrative implications which result from the proposed composition,⁶ it does not see any impediment to its implementation, particularly in view of the potential efficiency gains and cost benefits identified.⁷

IV. CONCLUSION

7. Subject to the observations above, the Prosecution respectfully defers to the Chamber in its disposition of the Urgent Request.



Karim A. A. Khan KC, Prosecutor

Dated this 19th of February 2025
At The Hague, The Netherlands

⁴ ICC-01/14-01/18-2756-Conf-Red, paras. 6, 38 (noting, “the Proposed Team Composition does not cost the State Parties any more funds”; asserting that the proposed team composition is more cost effective).

⁵ See ICC-01/14-01/18-2756-Conf-Red, para. 86 (citing CSS’ interpretation of LAP paragraph 73 – [REDACTED]).

⁶ See ICC-01/14-01/18-2756-Conf-Red, paras. 41-42 (noting “Counsel’s proposal is more cost-effective and, requires slightly fewer public funds” and “there are no hidden costs associated with Defence team remuneration, making financial comparison straightforward”).

⁷ See ICC-01/14-01/18-2756-Conf-Red, paras. 44-46 (referencing the Independent Expert Review in respect of recommended improvements with regard to institutional efficiency and cost-effectiveness) (internal citation omitted).