



Original: English

No. ICC-01/14-02/18

Date: 23 January 2019

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

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

Public

Decision setting the date for the initial appearance of Patrice-Edouard Ngaïssona

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
for Participation/Reparations**

**The Office of Public Counsel
for Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis, Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and
Reparations Section**

Other

JUDGE ROSARIO SALVATORE AITALA, acting as Single Judge on behalf of Pre-Trial Chamber II (the “Chamber”) of the International Criminal Court (the “Court”),¹ issues this decision setting the date for the initial appearance of Patrice-Edouard Ngaïssona.

1. On 30 May 2014, the situation in the Central African Republic (the “CAR”) since 1 August 2012 was referred to the Court by the Government of the CAR.²

2. On 18 June 2014, this situation was assigned to Pre-Trial Chamber II.³

3. On 11 November 2018, the Chamber issued the “Warrant of Arrest for Patrice-Edouard Ngaïssona” for his alleged criminal responsibility pursuant to article 25(3)(a) and (c) of the Rome Statute (“the Statute”) for: (attempted) murder (articles 7(1)(a) and 25(3)(f) of the Statute), extermination (article 7(1)(b) of the Statute), deportation or forcible transfer of population (article 7(1)(d) of the Statute), imprisonment or other severe deprivation of physical liberty (article 7(1)(e) of the Statute), torture (article 7(1)(f) of the Statute), persecution (article 7(1)(h) of the Statute), enforced disappearance (article 7(1)(i) of the Statute) and other inhumane acts (article 7(1)(k) of the Statute) as crimes against humanity; and (attempted) murder (articles 8(2)(c)(i) and 25(3)(f) of the Statute), torture (article 8(2)(c)(i) of the Statute), cruel treatment (article 8(2)(c)(i) of the Statute), mutilation (article 8(2)(c)(i) and/or 8(2)(e)(xi) of the Statute), intentionally directing an attack against the civilian population (article 8(2)(e)(i) of the Statute), intentionally directing an attack against personnel, installations, material, units or vehicles involved in a humanitarian assistance (article 8(2)(e)(iii) of the Statute), intentionally directing an attack against buildings dedicated to religion (article 8(2)(e)(iv) of the Statute), pillaging (article 8(2)(e)(v) of the Statute), enlistment of children under the age of 15 years and their use to participate actively in hostilities (article 8(2)(e)(vii) of the Statute), displacement of the civilian population (article 8(2)(e)(viii) of the Statute) and destroying or seizing the property of an adversary (article 8(2)(e)(xii) of the Statute) as war crimes, committed in various locations in the CAR, including Bangui, Bossangoa, the Lobaye

¹ Pre-Trial Chamber II, Decision designating a Single Judge, 6 December 2018, ICC-01/14-01/18-27.

² Presidency, Decision Assigning the Situation in the Central African Republic II to Pre-Trial Chamber II, 18 June 2014, ICC-01/14-1-Anx1.

³ Presidency, Decision Assigning the Situation in the Central African Republic II to Pre-Trial Chamber II, 18 June 2014, ICC-01/14-1.

Prefecture, Yaloké, Gaga, Bossemtélé, Boda, Carnot and Berberati, between at least 5 December 2013 and at least December 2014.⁴

4. On 23 January 2019, Patrice-Edouard Ngaïssona arrived at the Detention Centre of the Court.

5. The Single Judge notes articles 60(1) and 67 of the Statute, rule 121(1) of the Rules of Procedure and Evidence (the “Rules”) and regulations 20(1) and 21 of the Regulations of the Court (the “Regulations”).

6. In particular, according to article 60(1) of the Statute and rule 121(1) of the Rules, a person subject to a warrant of arrest under article 58 of the Statute “shall appear before the Pre-Trial Chamber” and be informed of the crimes he is alleged to have committed, his rights under the Statute and the date for a hearing to confirm or to decline to confirm the charges.

7. In the light of these provisions, the Single Judge decides that the initial appearance of Patrice-Edouard Ngaïssona will take place before the Chamber on Friday, 25 January 2019.

8. The Single Judge further notes that, pursuant to regulation 21(1) of the Regulations, the publicity of hearings may extend beyond the courtroom and, accordingly, authorises video recording and the taking of photographs in the courtroom at the start of the initial appearance hearing for no longer than one minute and a half.

⁴ ICC-01/14-02/18-2-US-Exp. A public redacted version is also available, see ICC-01/14-02/18-2-Red.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

- a) **DECIDES** to convene a hearing for the initial appearance of Patrice-Edouard Ngaïssona before the Chamber on Friday, 25 January 2019, at 14:30 hours in courtroom I; and
- b) **AUTHORISES** the Registrar to inform external applicants that, at the start of the initial appearance hearing and after all the parties and representatives of the Registry have taken their seats, video recording and the taking of photographs will be permitted for no longer than one minute and a half.

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

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid black horizontal line.

**Judge Rosario Salvatore Aitala,
Single Judge**

Dated this Wednesday, 23 January 2019

At The Hague, the Netherlands