



Original: English

No. ICC-01/14-02/18

Date: 1 February 2019

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
IN THE CASE OF *THE PROSECUTOR V. PATRICE-EDOUARD NGAÏSSONA*

PUBLIC

Order on Reclassification

Order 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

Eric Plouvier

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

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and
Reparations Section**

Other

PRE-TRIAL CHAMBER II (the “Chamber”) of the International Criminal Court (the “Court”) issues this Order on Reclassification.

1. On 7 December 2018, the Chamber issued a warrant of arrest for Patrice-Edouard Ngaïssona (“Ngaïssona”),¹ who arrived on 23 January 2019 at the Detention Centre of the Court.

2. On 25 January 2019, Ngaïssona made his first appearance before the Chamber. The confirmation hearing was scheduled to commence on Tuesday, 18 June 2019.²

3. The Chamber notes articles 67 and 68(1) of the Rome Statute, rule 121(10) of the Rules of Procedure and Evidence and regulation 23*bis* of the Regulations of the Court. The Chamber emphasises that it must ensure that the suspect is cognisant of all relevant submissions, subject to protection considerations, so as to prepare properly for the confirmation of charges hearing.

4. The Chamber orders the Registrar to transfer document ICC-01/14-20-US-Exp from the situation record into the case record so as to maintain a full and accurate record for Ngaïssona.

5. The Chamber also orders the Prosecutor to indicate until Tuesday, 5 February 2019, whether documents ICC-01/14-20-US-Exp (as registered in the case record) and ICC-01/14-02/18-4-US-Exp can be reclassified as confidential without redactions, should maintain their current classification or, if deemed necessary, to re-file these documents with redactions.

¹ Pre-Trial Chamber II, “Warrant of Arrest for Patrice-Edouard Ngaïssona”, 7 December 2018, ICC-01/14-02/18-2-US-Exp; a public redacted version of the warrant of arrest was registered on 13 December 2018, see ICC-01/14-02/18-2-Red.

² Pre-Trial Chamber II, Transcript of Hearing, 25 January 2019, ICC-01/14-02/18-T-1-ENG ET, p. 9, lines 5-6.

6. Since Ngaïssona received the unredacted version of the warrant of arrest upon his arrest, the Chamber decides to re-classify it as “confidential, ex parte, Prosecutor and Defence only”. By the same token, the Chamber’s decision registered as ICC-01/14-02/18-3-US-Exp may be re-classified as “public” since the basis for the classification no longer exists.

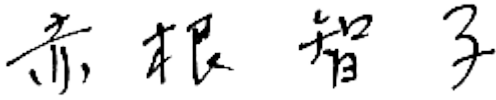
FOR THESE REASONS, THE CHAMBER HEREBY

- a) **ORDERS** the Registrar to transfer immediately document ICC-01/14-20-US-Exp from the situation record into the case record and **ORDERS** the Prosecutor to indicate until Tuesday, 5 February 2019, whether this document can be reclassified as confidential without redactions, should maintain its current classification or, if deemed necessary, to re-file this document with redactions;
- b) **ORDERS** the Prosecutor to indicate until Tuesday, 5 February 2019, whether document ICC-01/14-02/18-4-US-Exp can be reclassified as confidential without redactions, should maintain its current classification or, if deemed necessary, to re-file the document with redactions;
- c) **ORDERS** the Registrar to reclassify as “confidential, ex parte, Prosecutor and Defence only” document ICC-01/14-02/18-2-US-Exp; and
- d) **ORDERS** the Registrar to reclassify as “public” document ICC-01/14-02/18-3-US-Exp.

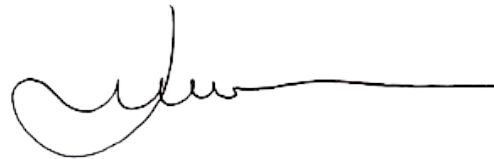
Done in both English and French, the English version being authoritative.



**Judge Antoine Kesia-Mbe Mindua,
Presiding Judge**



Judge Tomoko Akane



Judge Rosario Salvatore Aitala

Dated this Friday, 1 February 2019

At The Hague, Netherlands