

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/14-01/18

Date: 28 March 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. ALFRED YEKATOM AND
PATRICE-EDOUARD NGAÏSSONA***

**Confidential *ex parte*, only available to the Prosecutor
and the Defence**

Decision on the Defence Requests for Leave to Appeal the 1 March 2019 Decision
Pursuant to Regulation 101

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 Alfred Yekatom
Stéphane Bourgon
Mylène Dimitri

Counsel for Patrice-Edouard Ngaïssona
Geert-Jan Alexander Knoop

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
Nigel Verrill

Detention Section
Paddy Craig

**Victims Participation
and Reparations Section**

Other

PRE-TRIAL CHAMBER II of the International Criminal Court issues this decision on the Yekatom Defence request for leave to appeal the ‘Decision Pursuant to Regulation 101 of the Regulations of the Court’.¹

I. Procedural history

1. On 30 October 2018, the Prosecutor submitted under seal, *ex parte*, an application for the issuance of warrants of arrest for Patrice-Edouard Ngaïssona and Alfred Yekatom² requesting, *inter alia*, that their contacts be restricted upon arrival at the ICC Detention Centre.³ The Prosecutor submitted that there were reasonable grounds to believe that contact between Ngaïssona, Yekatom and their associates would prejudice the outcome of the investigation within the meaning of regulation 101(2)(b) of the Regulations of the Court (the ‘Regulations’).⁴

2. On 11 November 2018, the Chamber issued a warrant of arrest for Yekatom.⁵

3. On 17 November 2018, Yekatom was surrendered to the Court by the authorities of the Central African Republic (‘CAR’).⁶ On the same day, the Single Judge, acting on behalf of the Chamber,⁷ issued the ‘Decision pursuant to Regulation 101 of the Regulations of the Court’ restricting Yekatom’s communications upon his arrival at the ICC Detention Centre for a period of two weeks.⁸ The Single Judge limited the number of individuals with whom Yekatom could receive visits and have telephone calls, ordered the active monitoring of his telephone calls and visits, and limited the duration of his telephone calls to 60 minutes per week and the language of communication to French and Sango.⁹

¹ Requête de la Défense de M. Yekatom aux fins d’obtenir l’autorisation d’interjeter appel de la «Decision Pursuant to Regulation 101 of the Regulations of the Court » rendue le 1^{er} mars 2019, 11 March 2019, ICC-01/14-01/18-145-Conf-Exp.

² ICC-01/14-01/18-2-US-Exp, together with 11 under seal, *ex parte* annexes.

³ ICC-01/14-01/18-2-US-Exp, para. 357.

⁴ ICC-01/14-01/18-2-US-Exp, para. 357.

⁵ ICC-01/14-01/18-1-US-Exp. A public redacted version of the warrant of arrest is also available, see ICC-01/14-01/18-1-Red.

⁶ ICC-01/14-01/18-17-US-Exp, paras 19-24.

⁷ Decision designating a Single Judge, 9 November 2018, ICC-01/14-01/18-10.

⁸ ICC-01/14-01/18-11-Conf-Exp.

⁹ ICC-01/14-01/18-11-Conf-Exp, paras 6-9.

4. On 18 November 2018, Yekatom arrived at the ICC Detention Centre.¹⁰
5. Between 4 December 2018 and 15 February 2019, following requests by the Prosecutor,¹¹ the Chamber issued four decisions pursuant to regulation 101 of the Regulations,¹² extending the restrictions on Yekatom's contacts until 1 March 2019, with one modification: on 10 January 2019, Yekatom was granted the right to have private family visits.¹³
6. On 7 December 2018, the Chamber issued a warrant of arrest for Ngaïssona.¹⁴
7. On 23 January 2019, the Single Judge, acting on behalf of the Chamber,¹⁵ issued the 'Decision pursuant to Regulation 101 of the Regulations of the Court', restricting Ngaïssona's contacts and communications upon his arrival at the ICC Detention Centre.¹⁶ The Single Judge prohibited any exchange of contact between Ngaïssona and Yekatom, limited for a period of two weeks the number of individuals with whom Ngaïssona could have telephone calls and receive visits, ordered the active monitoring of his telephone calls and visits, and limited the duration of his telephone calls to 60 minutes per week and the language of communication to French and Sango.¹⁷

¹⁰ ICC-01/14-01/18-17-US-Exp, para. 25.

¹¹ Confidential Redacted version of "Prosecution's submission regarding the extension of contact restrictions concerning Alfred YEKATOM's pre-trial detention", 3 December 2018, ICC-01/14-01/18-24-US-Exp, 17 December 2018, ICC-01/14-01/18-24-Conf-Red; Prosecution's Request that the Chamber Extend the Contact Restrictions Imposed in the "Second Decision Pursuant to Regulation 101 of the Regulations of the Court" (ICC-01/14-01/18-25-Conf-Exp), 27 December 2018, ICC-01/14-01/18-44-Conf-Exp; Prosecution's Response to the "Third Decision Pursuant to Regulation 101 of the Regulations of the Court" (ICC-01/14-01/18-52-Conf-Exp), 28 January 2019, ICC-01/14-01/18-69-Conf-Exp; Prosecution's Response to the "Fourth Decision Pursuant to Regulation 101 of the Regulations of the Court" (ICC-01/14-01/18-75-Conf-Exp), 13 February 2019, ICC-01/14-01/18-83-Conf.

¹² Second Decision Pursuant to Regulation 101 of the Regulations of the Court, 4 December 2018, ICC-01/14-01/18-25-Conf-Exp; Third Decision Pursuant to Regulation 101 of the Regulations of the Court, 10 January 2019, ICC-01/14-01/18-52-Conf-Exp; Fourth Decision Pursuant to Regulation 101 of the Regulations of the Court, 1 February 2019, ICC-01/14-01/18-75-Conf-Exp; Fifth Decision Pursuant to Regulation 101 of the Regulations of the Court, 15 February 2019, ICC-01/14-01/18-86-Conf-Exp.

¹³ Third Decision Pursuant to Regulation 101 of the Regulations of the Court, ICC-01/14-01/18-52-Conf-Exp.

¹⁴ Warrant of Arrest for Patrice-Edouard Ngaïssona, ICC-01/14-01/18-89-Conf-Exp. A public redacted version of the warrant of arrest is also available; see ICC-01/14-01/18-89-Red.

¹⁵ Decision designating a Single Judge, 6 December 2018, ICC-01/14-01/18-90.

¹⁶ ICC-01/14-01/18-98-Conf-Exp.

¹⁷ Decision pursuant to Regulation 101 of the Regulations of the Court, ICC-01/14-01/18-98-Conf-Exp.

8. On 25 January 2019, Ngaïssona was surrendered to the Court by the authorities of the French Republic.¹⁸
9. On 29 January 2019, the Chamber rescinded the order of separation of Ngaïssona and Yekatom in the ICC Detention Centre.¹⁹
10. On 20 February 2019, the Chamber decided to join the cases against Yekatom and Ngaïssona.²⁰
11. On 25 February 2019, the Chamber received Registry reports on the implementation of restrictions for Yekatom and Ngaïssona.²¹
12. On 27 February 2019, the Prosecutor filed the 'Prosecution's Response to the "Fifth Decision Pursuant to Regulation 101 of the Regulations of the Court" (ICC-01/14-01/18-86-Conf-Exp)'²² and the 'Prosecution's Observations Pursuant to the "Third Decision Pursuant to Regulation 101 of the Regulations of the Court" (ICC-01/14-02/18-27-Conf-Exp-Red)',²³ requesting the Chamber to extend the restrictions on contacts for both suspects for an additional 30 day period. Alternatively, the Prosecutor requested that the time allocated for Yekatom's non-privileged telephone conversations be increased and any modifications to the existing restrictions imposed on Ngaïssona be implemented gradually.²⁴
13. On 27 February 2019, the Chamber received the 'Observations de la Défense de M. Alfred Rombhot Yekatom à la suite de la cinquième décision en application de la

¹⁸ Rapport du Greffe sur la Remise de Patrice-Edouard Ngaïssona, 25 January 2019, ICC-01/14-01/18-101-US-Exp, paras 5-14.

¹⁹ Second Decision pursuant to Regulation 101 of the Regulations of the Court, ICC-01/14-01/18-73-Conf-Exp. A confidential *ex parte*, redacted version is also available; see ICC-01/14-01/18-73-Conf-Exp-Red.

²⁰ Decision on the joinder of the cases against Alfred Yekatom and Patrice-Edouard Ngaïssona and other related matters, ICC-01/14-01/18-87.

²¹ Fifth Registry Report on the Implementation of the Restrictions on Contact of Mr Alfred Yekatom Ordered by Pre-Trial Chamber II, ICC-01/14-01/18-124-Conf-Exp. A confidential redacted version is also available; see ICC-01/14-01/18-124-Conf-Red. Second Registry Report on the Implementation of the Restrictions on Contact of Mr Patrice-Édouard Ngaïssona Ordered by the Single Judge, ICC-01/14-01/18-125-Conf-Exp.

²² ICC-01/14-01/18-130-Conf-Exp. A confidential redacted version is also available; see ICC-01/14-01/18-130-Conf-Red.

²³ ICC-01/14-01/18-131-Conf-Exp. A confidential redacted version is also available: see ICC-01/14-01/18-131-Conf-Red.

²⁴ ICC-01/14-01/18-130-Conf-Exp, paras 1-2 and 8; ICC-01/14-01/18-131-Conf-Exp, paras 2 and 22.

norme 101 du Règlement de la Cour', requesting the Chamber to remove the contact restrictions imposed on Yekatom.²⁵

14. On 1 March 2019, the Chamber issued its 'Decision Pursuant to Regulation 101 of the Regulations of the Court', (the 'Decision') modifying the terms of the restrictive measures and ordering, *inter alia*, that Yekatom's non-privileged telephone conversations and visits, with the exception of private family visits, are to be subject to random active monitoring.²⁶

15. On 11 March 2019, the Yekatom Defence filed a request for leave to appeal the Decision (the 'Request').²⁷

16. On 13 March 2019, the Prosecutor filed a response to the Request (the 'Response').²⁸

17. On 15 March 2019, the Ngaïssona Defence submitted its observations in relation the Request (the 'Observations', and jointly with the Request, the 'Requests').²⁹

II. Applicable law

18. The Chamber recalls article 82(1)(d) of the Statute, rule 155 of the Rules of Procedure and Evidence, and regulation 65 of the Regulations.

19. The Chamber, mindful of the exceptional nature of the remedy of an interlocutory appeal, notes that, for such leave to be granted, the following requirements must be met:

²⁵ ICC-01/14-01/18-132-Conf-Exp, para. 14 and p. 7. A confidential redacted version is also available; see ICC-01/14-01/18-132-Conf-Exp-Red

²⁶ ICC-01/14-01/18-137-Conf-Exp.

²⁷ Requête de la Défense de M. Yekatom aux fins d'obtenir l'autorisation d'interjeter appel de la «Decision Pursuant to Regulation 101 of the Regulations of the Court » rendue le 1^{er} mars 2019, ICC-01/14-01/18-145-Conf-Exp.

²⁸ Prosecution's Response to the Requête de la Défense de M. Yekatom aux fins d'obtenir l'autorisation d'interjeter appel de la «Decision Pursuant to Regulation 101 of the Regulations of the Court » rendue le 1^{er} mars 2019 , "ICC-01/14-01/18-147-Conf-Exp.

²⁹ ICC-01/14-01/18-151-Conf-Exp-Corr.

(a) the decision must involve an issue that would significantly affect (i) both the 'fair' and 'expeditious' conduct of the proceedings; or the outcome of the trial; and

(b) in the view of the Pre-Trial Chamber, an immediate resolution by the Appeals Chamber is warranted as it may materially advance the proceedings.³⁰

20. The above requirements are cumulative in nature and therefore, failure to fulfil one or more of these criteria is fatal to an application for leave to appeal.³¹

21. According to established jurisprudence, an 'issue' is an identifiable subject or topic requiring a decision for its resolution, not merely a question over which there is disagreement or conflicting opinion.³² The 'issue' identified by the appellant must emanate from the relevant decision itself and cannot represent a hypothetical concern or abstract legal question.³³

III. Submissions

22. The Yekatom Defence submits that the decision to extend contact restrictions for Yekatom was 'manifestement déraisonnable' in light of the standard required by regulation 101(2) of the Regulations (the 'Issue').³⁴ According to the Yekatom Defence, the Issue arises from the Decision since its object is to extend the contact restrictions on Yekatom, without lessening them, for a period of six weeks, and it is essential for the question to be put to the Appeals Chamber to determine whether the Decision to extend the restrictions violates regulation 101.³⁵

³⁰ Appeals Chamber, *Situation in the Democratic Republic of the Congo*, Judgment on the Prosecutor's Application for Extraordinary Review of Pre-Trial Chamber I's 31 March 2006 Decision Denying Leave to Appeal ('Appeals Judgment'), 13 July 2006, ICC-01/04-168.

³¹ See, for example, Trial Chamber III, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Decision on "Defence Request for Leave to Appeal the 'Decision on Defence Request for Relief for Abuse of Process'", 24 July 2015, ICC-01/05-01/08-3273.

³² Appeals Judgment, ICC-01/04-168, para. 9.

³³ See, for example, Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo*, Decision on the Prosecutor's and Defence requests for leave to appeal the decision adjourning the hearing on the confirmation of charges, 31 July 2013, ICC-02/11-01/11-464, para. 8; Pre-Trial Chamber II, *The Prosecutor v. Bosco Ntaganda*, Decision on the "Requête de la Défense sollicitant l'autorisation d'interjeter appel de la Décision sur la confirmation des charges datée du 9 juin 2014", 4 July 2014, ICC-01/04-02/06-322.

³⁴ ICC-01/14-01/18-145-Conf-Exp, para. 3.

³⁵ ICC-01/14-01/18-145-Conf-Exp, para. 12.

23. The Yekatom Defence makes a number of assertions in support of the Issue, including, *inter alia*, that (i) the Chamber referred to, but did not consider, regulation 101(3) of the Regulations in its analysis; (ii) the Chamber based its Decision on information submitted by the Prosecutor in her application for a warrant of arrest – information that is still not available to Yekatom – and so the Defence did not have a real opportunity to present clear and informed observations; (iii) the Chamber failed to address the Defence's argument regarding the workload of the Detention Centre, and issued a Decision that has the effect of reducing the workload of the Detention Centre, without lessening the restrictions on Yekatom; (iv) the Chamber based its Decision on new allegations of the Prosecutor, though the Prosecutor has not submitted any new documents or concrete evidence – thus violating regulation 101(2) of the Regulations; (v) the Chamber based its finding on unconvincing and unsubstantiated claims regarding the possibility that members of the Anti-Balaka could take up government positions, contact Yekatom, and then identify, locate, and compromise witnesses to affect the outcome of the proceedings; (vi) the Chamber has breached regulation 101(2) by basing its determination on allegations that are external to Yekatom; (vii) the Chamber made its finding despite the fact that Yekatom does not know the identity of Prosecution witnesses or potential witnesses; (viii) the list of non-privileged contacts for Yekatom does not contain the names of any of his alleged associates; (ix) the Chamber determined that Yekatom would have contact with supporters to obstruct the Prosecutor's investigation – contrary to his explicit commitment to comply with all the regulations in force and his good behaviour since his transfer to the Detention Centre; (x) the Chamber found that Yekatom represents a threat to victims and witnesses, although the Prosecutor has not submitted concrete and updated evidence to this effect, and despite Yekatom's explicit commitment to be in full compliance with the rules since his transfer; (xi) the Chamber relied on the restrictions imposed on Ngaïssona in its analysis leading to the Decision, and determined – in contravention of regulation 101(2) – that there were reasonable grounds for the restrictions, based on non-conclusive evidence; (xii) the Chamber did not take into account the Yekatom Defence argument that the restrictions on Ngaïssona cannot justify placing restrictions on Yekatom; (xiii) the Chamber refused to lift or lessen the restrictions, even though the Prosecutor put forward this possibility, or at least did not oppose it; and (xiv) the Chamber has not respected the well-established rule of proportionality which stipulates that if a less restrictive

measure is available and sufficient, the less restrictive measure must be implemented.³⁶

24. In arguing that the Issue affects the fairness and expeditiousness of the proceedings, the Yekatom Defence asserts that a detained person's morale is impacted when he is not informed of the basis of restrictions, and is thus unable to submit informed observations that could lead to a lessening or lifting of the restrictions.³⁷ This, in turn, could impact the lawyer-client relationship, increasing the burden of the Defence, which is also tasked with producing numerous filings in an attempt to 'corriger la situation'.³⁸ The Yekatom Defence further submits that the principle of equality of arms has not been respected in relation to the confirmation hearing, and that a detained person may lose confidence in the administration of justice if he sees no way out of his detention.

25. The Yekatom Defence further asserts that the immediate resolution of the Issue by the Appeals Chamber would advance the proceedings. To this end, the Yekatom Defence states that there are at least five decisions on restrictions for Yekatom, and that the matter must be definitively decided upon. If the Appeals Chamber rules in favour of the Yekatom Defence, the matter would be closed, and the restrictions may be lifted or adjusted as a result. In either case, the Issue allows the proceedings to continue without the parties returning to the matter of restrictions every two or six weeks.³⁹ The Yekatom Defence asserts that it is obvious that the Prosecutor will seek to prolong the restrictions – and to benefit from the advantage that this affords her – for as long as possible, and that this is another reason in favour of having the Appeals Chamber address the Issue.⁴⁰

26. In the Observations, the Ngaïssona Defence submits that it joins and supports the Request, and that the arguments raised by the Yekatom Defence also apply to the contact restrictions imposed on Ngaïssona.⁴¹

³⁶ ICC-01/14-01/18-145-Conf-Exp, para. 13.

³⁷ ICC-01/14-01/18-145-Conf-Exp, paras 16-18.

³⁸ ICC-01/14-01/18-145-Conf-Exp, para. 18.

³⁹ ICC-01/14-01/18-145-Conf-Exp, paras 19-22.

⁴⁰ ICC-01/14-01/18-145-Conf-Exp, para. 23.

⁴¹ ICC-01/14-01/18-151-Conf-Exp-Corr, paras 11-12.

27. The Prosecutor submits that the Request is *prima facie* deficient and should be rejected. According to the Prosecutor, the contention that the Decision is manifestly unreasonable amounts to no more than an attempt to re-litigate the Decision by repeating or advancing new arguments. As such, the Issue amounts to a mere disagreement with the Decision and not an appealable issue.⁴²

28. Further, the Prosecutor asserts that, even assuming that an appealable issue arises, it does not meet the remaining criteria of article 82(1)(d). The Yekatom Defence's argument that the restrictions could affect Yekatom's morale, which in turn could impact his assistance to the Yekatom Defence lacks support, is speculative, and would arise out of Yekatom's reaction to any unsatisfactory decision as opposed to the Decision itself. The Prosecutor submits that the same is true with respect to the Yekatom Defence's argument that Yekatom's purported failure to understand the Decision requires the Yekatom Defence to exert further effort to correct the situation. These concerns relate solely to the nature of the Yekatom Defence's relations and communications with their client, and not to any cognisable criteria under article 82(1)(d).⁴³

IV. Analysis

29. At the outset, and as set out above, the Chamber recalls that only an 'issue' may form the subject of an appealable decision, which is defined as 'an identifiable subject or topic requiring a decision for its resolution, not merely a question over which there is disagreement or conflicting opinion'.⁴⁴ Turning to the proposed Issue, the Chamber considers that it is unduly broad and inconsistent with this requirement, and constitutes a disagreement with the Decision as a whole. By alleging that the Decision in its entirety is manifestly unreasonable in light of regulation 101(2) of the Regulations, the Defence has not presented a discrete issue arising from the Decision. Furthermore, it is not acceptable practice to subsume multiple points of disagreement under the heading of one overly broad and ill-defined issue.

⁴² ICC-01/14-01/18-147-Conf-Exp, para. 1.

⁴³ ICC-01/14-01/18-147-Conf-Exp, para. 2.

⁴⁴ Appeals Chamber, Judgment on the Prosecutor's Application for Extraordinary Review of Pre-Trial Chamber I's 31 March 2006 Decision Denying Leave to Appeal, ICC-01/04-168, para. 9.

30. The Chamber also notes that a number of the points raised in the Request have been the subject of past filings, and thus have already been ruled upon by the Chamber. In this regard, the Chamber refers to its reasoning contained in the ‘Decision on the Request of the Yekatom Defence for Leave to Appeal the “Fifth Decision Pursuant to Regulation 101 of the Regulations of the Court”’.⁴⁵

31. While the Defence submits that the Chamber has failed to take into account several of its arguments when rendering the Decision, it nevertheless acknowledges that the Decision references said arguments.⁴⁶ As reflected in the analysis of the Decision, and contrary to the Defence assertions, the Chamber considered in full the arguments of the parties, together with the relevant Registry reports and the applicable legal framework in making its determination.⁴⁷

32. The Defence has also disputed the Chamber’s decision to extend the contact restrictions since Yekatom is committed to complying with the regulations in force, and has demonstrated good behaviour since his transfer to the Detention Centre.⁴⁸ In this regard, the Chamber notes that in its decision to modify the restrictions regime, the Chamber explicitly considered Yekatom and Ngaïssona’s compliance with the restrictions imposed.⁴⁹ However, the Chamber was duty bound to consider *all* relevant factors, including the suspects’ position of influence, their capacity to identify and locate (potential) witnesses, and the security situation in the CAR. Regulation 101 requires a balancing of the different interests at stake, including: the rights of the Defence, the integrity of the proceedings, and the safety and well-being of (potential) witnesses and victims, which the Chamber has a duty to protect.⁵⁰ The current restrictions regime is the result of exactly such a balancing exercise. The Chamber finds that the Defence has merely disagreed with the manner in which the Chamber has appraised the various factors and interests at stake.

33. The Chamber also finds that the Defence has misunderstood the legal framework regulating restrictions on contacts and communications. The Chamber

⁴⁵ 25 March 2019, ICC-01/14-01/18-157-Conf-Exp.

⁴⁶ See ICC-01/14-01/18-145-Conf-Exp, para. 13(i), (iv), (xiv).

⁴⁷ ICC-01/14-01/18-137-Conf-Exp, paras 17-19.

⁴⁸ See ICC-01/14-01/18-145-Conf-Exp, para. 13(xi), (xii), (xiii).

⁴⁹ ICC-01/14-01/18-137-Conf-Exp, para. 19.

⁵⁰ Article 68 of the Statute.

notes in this regard the Defence objection to the fact that the contact restrictions were extended, considering that Yekatom does not yet know the identity of the Prosecutor's (potential) witnesses.⁵¹ While the Defence indeed does not have access to the names of the Prosecutor's witnesses at this time, it does have access to the unredacted version of the warrant of arrest, and the information contained therein may allow for the identification of (potential) witnesses.

34. Having found that the Issue does not constitute an appealable issue, it is unnecessary for the Chamber to consider whether the remaining criteria have been met. Nevertheless, the Chamber notes that it does not consider that the Issue affects the fair and expeditious conduct of the proceedings. The Chamber finds that the Defence argument in this regard is not applicable, as Yekatom has been informed of the basis of the imposed restrictions. The Chamber notes in particular that the Defence has access to the unredacted warrant of arrest for Yekatom, which contains the findings made at the time of the issuance of the warrant of arrest.⁵² As to the Yekatom Defence's arguments in relation to a potential impact on morale and lawyer-client relations, the Chamber notes that this has been presented in the abstract, and in any case, does not form a basis for appeal pursuant to article 82(1)(d) of the Statute.

35. Furthermore, the Chamber finds that the fairness of the proceedings will not be affected, as the restrictions may be reassessed in the future in light of any concrete, specific, and up-to-date information that arises.

36. In light of the above, the Chamber rejects the Requests.

⁵¹ ICC-01/14-01/18-145-Conf-Exp, para. 13(ix).

⁵² ICC-01/14-01/18-1-Conf-Exp.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Requests for leave to appeal.

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 Thursday, 28 March 2019

At The Hague, The Netherlands