

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/14-01/18

Date: 9 August 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

Decision on the Prosecutor's Request for an Extension of the Page Limit for the
Document Containing the Charges

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart

Counsel for Alfred Yekatom

Mylène Dimitri
Peter Robinson

Counsel for Patrice-Edouard Ngaïssona

Geert-Jan Alexander Knoops

Legal Representatives of Victims

Abdou Dangabo Moussa
Elisabeth Rabesandratana
Yaré Fall
Marie-Edith Douzima-Lawson
Christine Priso Ouamballo
Paolina Massidda

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

Dmytro Suprun

**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

**Victims Participation
and Reparations Section**

Other

PRE-TRIAL CHAMBER II of the International Criminal Court issues this Decision on the Prosecutor's Request for an Extension of the Page Limit for the Document Containing the Charges.

I. Procedural history

1. On 11 November 2018, the Chamber issued the 'Warrant of Arrest for Alfred Yekatom',¹ who was surrendered to the Court by the authorities of the Central African Republic ('CAR') on 17 November 2018.²
2. On 7 December 2018, the Chamber issued the 'Warrant of Arrest for Patrice-Edouard Ngaïssona',³ who was surrendered to the Court by the authorities of the French Republic on 23 January 2019.⁴
3. On 20 February 2019, the Chamber issued the 'Decision on the joinder of the cases against Alfred Yekatom and Patrice-Edouard Ngaïssona and other related matters', thereby joining the cases against Yekatom and Ngaïssona.⁵
4. On 15 May 2019, the Chamber issued the 'Decision on the "Prosecution's Request to Postpone the Confirmation Hearing and all Related Disclosure Deadlines"', thereby deciding that the confirmation of charges hearing shall commence on 19 September 2019.⁶
5. On 7 August 2019, the Prosecutor filed the 'Request for the Extension of Page Limits for the Prosecution's Document Containing the Charges' (the 'Request').⁷
6. On 8 August 2019, the Yekatom Defence and the Ngaïssona Defence (collectively the 'Defence') submitted a joint response to the Request (the 'Response').⁸

¹ ICC-01/14-01/18-1-US-Exp (a public redacted version is also available; see [ICC-01/14-01/18-1-Red](#)).

² Registry, Rapport du Greffe sur l'Arrestation et la Remise de M. Alfred Yekatom, ICC-01/14-01/18-17-US-Exp, paras 19-24.

³ ICC-01/14-01/18-89-Conf-Exp (a public redacted version is also available; see [ICC-01/14-01/18-89-Red](#)).

⁴ Registry, Rapport du Greffe sur la Remise de Patrice-Edouard Ngaïssona, ICC-01/14-01/18-101-US-Exp, paras 5-14.

⁵ [ICC-01/14-01/18-87](#); [ICC-01/14-01/18-121](#).

⁶ [ICC-01/14-01/18-199](#).

⁷ ICC-01/14-01/18-265-Conf.

II. The Prosecutor's Request

7. The Prosecutor seeks an extension of the page limit for the document containing the charges ('DCC') to 250 pages. The Prosecutor submits that the requested extension is justified by 'exceptional circumstances' within the meaning of regulation 37(2) of the Regulations of the Court (the 'Regulations') as: (i) 'the DCC requires an exhaustive referenced presentation of the diverse and multiple sources of evidence establishing substantial grounds to believe that the Suspects are responsible for crimes within the Court's jurisdiction'; (ii) the case involves prospective charges against two suspects; (iii) the charges will comprise over 100 counts, concerning events in several towns and villages, spread across five western CAR prefectures; (iv) the crimes affected a high number of victims and involve a range of acts; and (v) the prospective DCC will set out the facts and circumstances of 15 incidents and corresponding crimes, and the basis for each suspect's criminal responsibility under articles 25 and 28 of the Rome Statute (the 'Statute'), as appropriate.

III. The Defence's Response

8. The Defence does not oppose the Request. At the same time, it expresses concerns about the fact that the Prosecutor has notified the Defence that the case is 'expanding dramatically with over 100 counts' a mere 12 days before the date of the filing of the DCC. This will prejudice the suspects in their preparation for the confirmation of charges hearing. While opposing any postponement of the hearing, the Defence reserves the right to present additional observations and requests after the notification of the DCC.

IV. Determination of the Chamber

9. The Chamber recalls articles 61(3) and 67(1)(a) of the Statute, rule 121(3) of the Rules of Procedure and Evidence and regulations 37(2), 38(3)(g) and 52 of the Regulations. According to regulation 38(3)(g), the DCC shall not exceed 30 pages. Pursuant to regulation 37(2), the Chamber 'may, at the request of a participant, extend the page limit in exceptional circumstances'.

⁸ Joint Defence Response to Prosecution 'Request for the Extension of Page Limits for the Prosecution's Document Containing the Charges' (ICC-01/14-01/18-265-Conf), ICC-01/14-01/18-269-Conf.

10. The Chamber finds that the requested extension is warranted. Notably, the Chamber is mindful of the complexity of the case, the fact that it concerns two suspects, the large number of incidents, locations and prospective counts, and the range of corresponding alleged crimes that will be set out in the DCC. The Chamber considers that the extension is necessary in order to allow the Prosecutor to present the DCC with a sufficient level of precision and detail, as required by regulation 52 of the Regulations. The extension is consistent with the right of the Defence to be informed in detail regarding the nature, cause and content of the charges, in accordance with article 67(1)(a) of the Statute. In light of the above, the Chamber finds that exceptional circumstances exist justifying the Request.

11. The Chamber reminds the Prosecutor that while the DCC must be sufficiently precise and detailed, she should endeavour, at the same time, to ensure that the document is not unnecessarily lengthy or repetitive.

FOR THESE REASONS, THE CHAMBER HEREBY

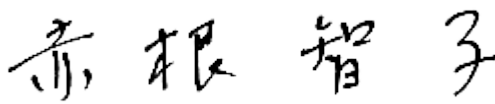
GRANTS the Request.

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, 9 August 2019

At The Hague, The Netherlands