

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

**Original: English**

**No. ICC-01/14-01/18**

**Date: 06 September 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***

**Public**

**Public redacted version of “Registry’s Response to the ‘Motion for  
Review and Reclassification of *Ex Parte* Filings’ (ICC-01/14-01/18-283)”,  
27 August 2019, ICC-01/14-01/18-293-Conf-Exp**

**Source: Registry**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda  
Mr James Stewart  
Mr Kweku Vanderpuye

**Counsel for Alfred Yekatom**

Ms Mylene Dimitri

**Counsel for Patrice-Edouard Ngaïssona**

Mr Geert-Jan Alexander Knoops

**Legal Representatives of Victims**

Mr Yaré Fall  
Ms Marie Edith Douzima Lawson  
Ms Paolina Massidda  
Mr Abdou Dangabo Moussa  
Ms Christine Priso Ouamballo  
Ms Elisabeth Rabesandratana  
Mr Dmytro Suprun

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for Victims**

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

**States Representatives**

*Amicus Curiae*

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**REGISTRY**

**Registrar**

Mr Peter Lewis

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

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**Counsel Support Section**

Mr Esteban Peralta

**Detention Section**

Mr Paddy Craig

**Other**

## Introduction

1. On 20 August 2019, the Defence for Mr. Alfred Rombhot Yekatom ("Defence") submitted the "Motion for Review and Classification of *Ex Parte* Filings" ("Defence Motion").<sup>1</sup>
2. On 21 August 2019, Pre-Trial Chamber II ("Chamber") of the International Criminal Court ("Court") ordered the Registry to respond to the Defence Motion by 27 August 2019, "to the extent that [it] refers to documents and/or decisions relating to and/or accessible to the Registry."<sup>2</sup>
3. This is the Registry's response to the Defence Motion.

## Classification

4. In accordance with regulation 23*bis*(2) of the Regulations of the Court ("RoC"), this document is classified confidential *ex parte* Registry only, as it refers to other documents with that same classification.

## Submissions

[REDACTED]

5. [REDACTED].

[REDACTED]

6. [REDACTED].
7. [REDACTED].

[REDACTED]

8. [REDACTED].

[REDACTED]

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<sup>1</sup> Motion for Review and Reclassification of *Ex Parte* Filings, ICC-01/14-01/18-283, 20 August 2019.

<sup>2</sup> Email from Pre-Trial Chamber II to Office of the Director of Judicial Services on 21 August 2019 at 16:27.

9. [REDACTED].

[REDACTED]

10. [REDACTED].

[REDACTED]

11. [REDACTED].

*ICC-01/14-01/18-100-Conf-Exp-AnxIII*

12. This document can be reclassified as public. It was initially classified confidential *ex parte* because it contains the address of Defence counsel, but that address has since been made publicly available.

*ICC-01/14-01/18-140-Conf-Exp-AnxIII*

13. This document cannot be reclassified because it contains a list of documents that are classified *ex parte*. Pursuant to regulation 23bis(2) of the RoC, as long as the filings in that list remain *ex parte*, this document must remain *ex parte* as well.

*ICC-01/14-01/18-115, ICC-01/14-01/18-125, ICC-01/14-01/18-166, ICC-01/14-01/18-225, ICC-01/14-01/18-276*

14. All five of these documents are reports specific to Mr Ngaissona. They contain sensitive and private information, and detention-related information on Mr Ngaissona. They should remain confidential *ex parte* and not available to Mr Yekatom or his defence.

15. Not mentioned in the list, likely because it was recently filed, is ICC-01/14-01/18-276-Conf-Exp. For the reasoning stated above, this document should also retain its current classification.

[REDACTED]

16. This document should retain its current classification as it contains sensitive information [REDACTED].

17. In addition, the document contains [REDACTED].

*ICC-01/14-01/18-78-Conf-Exp-AnxA*

18. This is a draft version of a participation form for individuals, which can be reclassified as confidential as the Chamber subsequently approved its use.

[REDACTED]

19. These documents [REDACTED] and were filed *ex parte* [REDACTED]. For this reason they should retain this classification.

*ICC-01/14-01/18-133-Conf-Exp-AnxIII*

20. This is a draft version of a participation form for organisations, which can be reclassified as confidential as the Chamber subsequently approved its use.

[REDACTED]

21. This is an assessment report [REDACTED] of the Registry, which should retain its current classification as it contains information which [REDACTED].

*ICC-01/14-01/18-178-Conf-Exp-AnxIII*

22. This is an assessment report by the Country Analysis Unit of the Registry, [REDACTED].

[REDACTED]

23. This is a report which includes [REDACTED]. It should retain its current level of classification [REDACTED].

ICC-01/14-01/18-245-Conf-Exp-Anx1 to 161, ICC-01/14-01/18-258-Conf-Exp-Anx1 to 150, ICC-01/14-01/18-222-Conf-Exp-Anx1 to 74

24. These documents are [REDACTED], which were filed *ex parte* in accordance with the Chamber's instructions.<sup>3</sup> They should not be reclassified.

[REDACTED]

25. This document is public, but contains [REDACTED] annexes which are [REDACTED]. They were filed *ex parte* in accordance with the Chamber's instructions.<sup>4</sup>

[REDACTED]

26. This document was not mentioned in the Defence Motion. However, should the Chamber decide to share the document with the Defence, the Registry proposes redacting [REDACTED]. Specifically, the relevant parts of [REDACTED], should be redacted.

[REDACTED]

27. Should the Chamber decide to share this document with the Defence, the Registry proposes redacting any [REDACTED] of the transcript should be redacted.

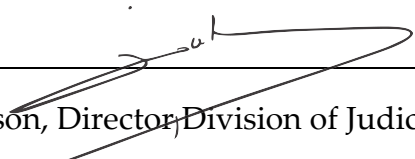
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<sup>3</sup> Pre-Trial Chamber II, "Decision Establishing the Principles Applicable to Victims' Applications for Participation", 5 March 2019, ICC-01/14-01/18-141, p. 23.

<sup>4</sup> *Idem*.

ICC-01/14-01/18-173-Conf-Exp

28. The Registry does not object to this document being shared with the Defence, but notes that its classification follows the same classification of the Chamber's order ICC-01/14-01/18-164-Conf-Exp (i.e. confidential *ex parte*, only available to the Prosecution). Therefore, the Registry leaves this to the Chamber's discretion.



Marc Dubuisson, Director, Division of Judicial Services  
on behalf of  
Peter Lewis, Registrar

Dated this Friday, 06 September 2019

At The Hague, the Netherlands