

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **11 November 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 ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

Public

Yekatom Defence Request for Public Delivery of Confirmation Decision

Source: Defence for Mr. Alfred Rombhot Yekatom

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

The Office of the Prosecutor

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Mr. Dmytro Suprun

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation / Reparation)**

**The Office of Public Counsel for
Victims**

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

Me Xavier-Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr. Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr. Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

1. Counsel representing Mr. Alfred Rombhot Yekatom (“Defence” and “Mr. Yekatom”, respectively) respectfully request that the Pre-Trial Chamber (“Chamber”) issue a simultaneous public redacted version of its confirmation decision as well as hold a public hearing for the delivery of a summary of its decision on the confirmation of charges. A public hearing will promote transparency in the event that the Chamber cannot issue a simultaneous public redacted version of its confirmation decision. Even if a simultaneous public redacted version can be issued, a delivery of the decision in court will serve to better inform the public, and particularly the citizens of the Central African Republic, of the Court’s work.

2. This request is motivated by the recent events surrounding the confirmation of charges decision in the *Al Hassan* case. In that case, a confidential version of the decision was issued in writing on 30 September 2019. The only public information about the decision was a press release, which contained minimal information.¹ The release was considered incomplete by the Defence, which issued its own press release pointing out that some of the Prosecution allegations had been dismissed.²

3. In addition, the lack of a public redacted version of the decision had the snowball effect of requiring that all litigation concerning the decision, including applications for leave to appeal it, had to be filed confidentially. The parties could not file public redacted versions of its pleadings since it was unknown what parts of the decision the Chamber considered essential to be maintained as confidential. As of the filing of this motion, a public redacted version of the confirmation decision in the *Al Hassan* case has not yet been issued and the public remains in the dark about the decision and subsequent proceedings.

¹ [Al Hassan case: ICC Pre-Trial Chamber I confirms charges of war crimes and crimes against humanity and commits suspect to trial](#), ICC Press Release, ICC-CPI-20190930-PR1483, 30 September 2019.

² [Press statement of the Defence team of Mr. Al Hassan](#), 1 October 2019.

4. This Chamber can mitigate such lack of transparency by issuing a public redacted version of its decision and holding a public hearing for the delivery of a summary of its decision to at least allow the public to understand the decision without relying on incomplete and disputed press releases.

5. Even if the Chamber were able to produce a simultaneous public redacted version of its confirmation decision, a public delivery of that decision will promote its wider dissemination, particularly in the Central African Republic.

6. This Court is a publicly funded institution and has a great responsibility to conduct its work in public. Both the fight against impunity and the promotion of fair trials are advanced when the Court's work is widely disseminated to, and scrutinised by, the public. The Chamber is respectfully requested to do its part to promote transparency by issuing a simultaneous public redacted version of the confirmation decision and a summary thereof at a public hearing.

RESPECTFULLY SUBMITTED ON THIS 11TH DAY OF SEPTEMBER 2019

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