

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: English

No.: ICC-01/14-01/18  
Date: 19 December 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-ÉDOUARD NGAÏSSONA***

**Public Document with Confidential Annex 1**

**Common Legal Representatives' Joint Proposal for Redactions to be applied to the  
"Decision confirming the charges"**

**Source:** Common Legal Representatives of Victims

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

**The Office of the Prosecutor**

Ms Fatou Bensouda  
Mr Kweku Vanderpuye

**Counsel for the Defence**

Ms Mylène Dimitri  
Mr Peter Robinson

Mr Geert-Jan Alexander Knoops

**Legal Representatives of the Victims**

Mr Dmytro Suprun

**Legal Representatives of the Applicants**

Mr Abdou Dangabo Moussa  
Ms Marie Édith Douzima Lawson  
Mr Yaré Fall  
Ms Paolina Massidda  
Ms Elizabeth Rabesandratana

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda  
Mr Dmytro Suprun  
Ms Anne Grabowski  
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**The Office of Public Counsel for the  
Defence**

**States' Representatives**

**Amicus Curiae**

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**REGISTRY**

**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. PROCEDURAL BACKGROUND

1. On 11 December 2019, Pre-Trial Chamber II (the “Chamber”) issued the Decision confirming the charges against Mr Alfred Yekatom and Mr Patrice-Édouard Ngaïssona (the “Confirmation Decision”),<sup>1</sup> partially confirming the charges against the suspects and ordering the Prosecution to submit proposals for redactions of said Decision by 16 December 2019 and the Common Legal Representatives of Victims and the Defence “to provide their proposals as to the redactions which, in their view, should apply to the decision by no later than 19 December 2019”.<sup>2</sup>

2. On 16 December the Prosecution filed its proposal for redactions of the Confirmation Decision (the “Prosecution’s Proposal”).<sup>3</sup>

## II. CONFIDENTIALITY

3. Annex 1 to the present submissions is filed confidential, because it contains the full text of the Confirmation Decision currently classified “confidential”.

## III. SUBMISSIONS

4. The Common Legal Representatives recall their previous submissions according to which the publicity of the proceedings is a key component of fair trial guarantees.<sup>4</sup> In the specific context of the Court, the “fair trial” guarantees must

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<sup>1</sup> See the “Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona” (Pre-Trial Chamber II), No. [ICC-01/14-01/18-403-Conf](#), 11 December 2019 (the “Confirmation Decision”).

<sup>2</sup> *Idem*, p.3.

<sup>3</sup> See the “Prosecution’s submission of proposals as to the redactions to be applied to the Decision on the confirmation of charges (ICC-01/14-01/18-403)”, No. [ICC-01/14-01/18-405+AnxA](#), 16 December 2019 (the “Prosecution’s Proposal”).

<sup>4</sup> See the “Common Legal Representatives ‘Joint Response to the ‘Yekatom Defence Request for Public Delivery of Confirmation Decision’” para. 7 and footnotes, No. [ICC-01/14-01/18-396](#), 15 November 2019.

apply throughout the proceedings and in respect of all parties and participants, including victims.

5. The Common Legal Representatives also recall that *“the personal interests of victims are affected by the outcome of the pre-trial stage of the case insofar as this is an essential stage of the proceedings which aims to determine whether there is sufficient evidence providing substantial grounds to believe that the suspect is responsible for the crimes with which he has been charged by the Prosecution”*.<sup>5</sup>

6. Given the importance of the confirmation of charges decision in the proceedings and its impact on the participating victims, on the affected communities and on the public in general, the Common Legal Representatives submit that the public redacted version of the decision should not be heavily redacted and should allow the public to be fully informed of the facts and of the legal findings.

7. The Common Legal Representatives inform the Chamber that one of them has been approached by the Defence of Mr Yekatom to discuss the extent of redactions. In this regard, the Common Legal Representatives, while agreeing with the Defence that certain categories of redactions should be lifted, have adopted a more cautious approach in taking the public redacted version of the Document Containing the Charges as reference point for their proposals.

8. The Common Legal Representatives submit their proposals for redactions in Annex 1 to the present submissions. The Annex is a copy of Annex A to the Prosecution’s Proposal to which notes have been added for each redaction proposed

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<sup>5</sup> See the “Decision on the 34 Applications for Participation at the Pre-Trial Stage of the Case” (Pre-Trial Chamber I, Single Judge), No. [ICC-02/05-02/09-121](#), 29 September 2009, para. 4. See also, the “Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case” (Pre-Trial Chamber I, Single Judge), No. [ICC-01/04-01/07-474](#), 13 May 2008, para. 45; the “Decision on the Prosecution, OPCD and OPCV Requests for Leave to Appeal the Decision on the Applications for Participation of Victims in the Proceedings in the Situation” (Pre-Trial Chamber I, Single Judge), No. [ICC-01/04-444](#), 6 February 2008, pp. 8 and 10; and the “Decision on the Requests for Leave to Appeal the Decision on the Application for Participation of Victims in the Proceedings in the Situation” (Pre-Trial Chamber I, Single Judge), No. [ICC-02/05-121](#), 6 February 2008, p. 6.

by the Prosecution detailing whether the Common Legal Representatives agree or not with said proposed redactions and indicating the reason for disagreement, where applicable. The highlighted parts in red in the Annex indicate the portions of the Decision the Common Legal Representatives consider should not be redacted.

Respectfully submitted.

A handwritten signature in black ink, appearing to read "Pauline Hossain", with a horizontal line underneath the name.

On behalf of the two teams of Common Legal  
Representatives

Dated this 19<sup>th</sup> day of December 2019

At The Hague, The Netherlands