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**No. ICC-01/14-01/18
Date: 10 August 2020**

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public

**Order Requesting Observations on the Yekatom Defence Request for
Cooperation from the African Union**

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

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Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Articles 57(3)(b), 61(11), 64(6)(a) and 87(6) of the Rome Statute (the ‘Statute’) and Rule 116(1) of the Rules of Procedure and Evidence, issues this ‘Order Requesting Observations on the Yekatom Defence Request for Cooperation from the African Union’.

1. On 11 November 2018, Pre-Trial Chamber II issued a warrant of arrest against Mr Yekatom.¹ On 17 November 2018, the Central African Republic authorities surrendered him to the Court.²
2. On 4 August 2020, the Yekatom Defence (the ‘Defence’) requested the Chamber to direct the African Union (the ‘AU’) to transmit a series of documents to the Defence which are enumerated in annex A to its request (the ‘Annex A’ and the ‘Request’, respectively).³
3. The Defence argues that such an order is necessary since prior attempts to obtain these documents have been unsuccessful.⁴ It submits that despite the letters it addressed to the President of the AU Commission on 14 November 2019 and 5 June 2020, transmitted by the Registrar to the AU Commission via *note verbales* on 19 November 2019 and 9 June 2020, respectively,⁵ no response has been received so far, as confirmed by the Registry.⁶ The Defence further submits that it attempted to obtain the requested documents through a

¹ Warrant of Arrest for Alfred Yekatom, ICC-01/14-01/18-1-Conf-Exp (public redacted version notified the same day, ICC-01/14-01/18-1-Red).

² Corrected version of ‘Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona’, 14 May 2020, ICC-01/14-01/18-403-Conf-Corr (original version dated 11 December 2019) (corrected public redacted version notified the same day, ICC-01/14-01/18-403-Red-Corr), para. 3.

³ Demande de la Défense de Monsieur Yekatom afin que soit rendue une Ordonnance relativement à la coopération de l’Union Africaine, ICC-01/14-01/18-612 (with confidential *ex parte* Annex A, only available to the Yekatom Defence, ICC-01/14-01/18-612-Conf-Exp-AnxA; and confidential Annexes B, C and D, ICC-01/14-01/18-612-Conf-AnxB, ICC-01/14-01/18-612-Conf-AnxC and ICC-01/14-01/18-612-Conf-AnxD, respectively) (confidential redacted version of Annex A notified on 5 August 2020, ICC-01/14-01/18-612-Conf-AnxA-Red), para. 1.

⁴ Request, ICC-01/14-01/18-612, para. 2.

⁵ See Request, ICC-01/14-01/18-612, paras 4-8. See also Annex B to the Request, ICC-01/14-01/18-612-Conf-AnxB.

⁶ See Request, ICC-01/14-01/18-612, para. 11. See also Annex D to the Request, ICC-01/14-01/18-612-Conf-AnxD.

Rule 77 application addressed to the Prosecution, which confirmed that it was not in possession of any of those documents.⁷

4. In light of the above and for the purposes of the upcoming decision on the Request, the Single Judge seeks observations from the AU.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

ORDERS the Registry to invite the AU to submit any observations on the Request by Friday, 4 September 2020, including in its transmission a copy of the redacted version of Annex A to the Request, ICC-01/14-01/18-612-Conf-AnxA-Red.

Done in both English and French, the English version being authoritative.



Judge Bertram Schmitt
Single Judge

Dated this 10 August 2020

At The Hague, The Netherlands

⁷ See Request, ICC-01/14-01/18-612, paras 9-10. See also Annex C to the Request, ICC-01/14-01/18-612-Conf-AnxC.