



Original: English

**No. ICC-01/14-01/18
Date: 11 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

Decision on the Request for Extension of Time by the Kingdom of Belgium

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 Regulation 35 of the Regulations of the Court (the ‘Regulations’), issues this ‘Decision on the Request for Extension of Time by the Kingdom of Belgium’.

1. On 27 July 2020, the Yekatom Defence (the ‘Defence’) filed its second request for interim release (the ‘Interim Release Request’).¹ Therein, it requests that Mr Yekatom be released to the Kingdom of Belgium (hereinafter: ‘Belgium’) and informs the Chamber that, following consultation with the Registry, it has not yet contacted Belgium to receive information on this matter.² Accordingly, it requests the Chamber to seek observations from Belgium on the Interim Release Request.³
2. On 29 July 2020, the Single Judge requested Belgium and the Kingdom of the Netherlands to make observations on the Interim Release Request and invited them to submit any such observations by 19 August 2020.⁴
3. On 6 August 2020, the Registry transmitted Belgium’s request that the deadline to respond to the Interim Release Request be extended to 4 September 2020 (the ‘Request’).⁵ Belgium informs the Chamber that it will organise a meeting with all concerned Belgian authorities in order to promptly respond to the Request for Interim Release. However, considering the effect of the Coronavirus Pandemic on the operational procedures and the relatively short deadline set by the Chamber, Belgium requests to submit its observations by 4 September 2020.

¹ Second Yekatom Defence Motion for Interim Release, ICC-01/14-01/18-603-Conf (public redacted version notified the same day, ICC-01/14-01/18-603-Red).

² Interim Release Request, ICC-01/14-01/18-603-Red, paras 1, 11-12.

³ Interim Release Request, ICC-01/14-01/18-603-Red, para. 30.

⁴ Order Requesting Observations from relevant States on Interim Release, ICC-01/14-01/18-608, para. 4.

⁵ Transmission of a request for extension from the Kingdom of Belgium to provide observations on interim release of Mr Alfred Yekatom, ICC-01/14-01/18-615 (with one annex, containing the Request, ICC-01/14-01/18-615-Anx).

Further, it assures the Chamber that it will do everything necessary to file the observations expeditiously.⁶

4. On the same day, the Chamber ordered the parties and participants via email to make submissions on the Request by Monday, 10 August 2020.⁷ The Chamber drew attention to the fact that granting the Request would affect the deadline prescribed in Rule 118(2) of the Rules of Procedure and Evidence (the ‘Rules’) for the decision concerning Mr Yekatom’s release or detention. It further underlined that it would consider an agreement by the Defence to the Request as consent that the decision on Mr Yekatom’s detention or release may fall outside the deadline contained in Rule 118(2) of the Rules and would not be in violation insofar as the decision will be issued at the earliest opportunity after receiving Belgium’s observations.
5. On the same day, the Defence responded via email, stating that it agrees with the Request and that it ‘consents that the upcoming Trial Chamber decision may fall outside the deadline prescribed in Rule 118(2) of the Rules’.⁸
6. On 10 August 2020, the Office of the Prosecutor and the Common Legal Representative for Victims submitted via email that they do not oppose the Request.⁹
7. The Single Judge takes note of the responses to the Request, in particular that the Defence agrees with the Request while being fully informed and consenting to the possible effect on the deadline contained in Rule 118(2) of the Rules.
8. The Single Judge further takes note of the arguments presented by Belgium, particularly the effects of the Coronavirus Pandemic on its operational procedures and considers that good cause has been shown for an extension of the deadline. Accordingly, the Single Judge grants the Request.

⁶ Request, ICC-01/14-01/18-615-Anx, p. 2.

⁷ Email from the Chamber to the Yekatom Defence, the Ngaïssona Defence, the Office of the Prosecutor and the Common Legal Representative of Victims, 6 August 2020, at 16:16.

⁸ Email from the Yekatom Defence to the Chamber, 6 August 2020, at 16:49.

⁹ Email from the Office of the Prosecutor to the Chamber, 10 August 2020, at 09:24 and email from the Common Legal Representative of Victims to the Chamber, 10 August 2020, at 08:54.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Request.

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

A handwritten signature in black ink, appearing to read 'BS', is written over a horizontal line.

Judge Bertram Schmitt

Single Judge

Dated this 11 August 2020

At The Hague, The Netherlands