



Original: **English**

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

Date: **12 January 2021**

**TRIAL CHAMBER V**

**Before:** Judge Bertram Schmitt, Presiding Judge  
Judge Péter Kovács  
Judge Chang-ho Chung

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II  
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-  
EDOUARD NGAÏSSONA***

**Public**

**Prosecution's Response to the Yekatom Defence's Request for reconsideration of  
the "Decision on the Initial Directions on the  
Conduct of the Proceedings" (ICC-01/14-01/18-631)**

**Source:** Office of the Prosecutor

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

**The Office of the Prosecutor**

Mr James Stewart

Mr Kweku Vanderpuye

**Counsel for Alfred Yekatom**

Ms Mylène Dimitri

Mr Thomas Hannis

**Counsel for Patrice-Edouard Ngaïssona**

Mr Geert-Jan Alexander Knoops

**Legal Representatives of Victims**

Mr Dmytro Suprun

Mr Abdou Dangabo Moussa

Ms Elisabeth Rabesandratana

Mr Yaré Fall

Ms Marie-Edith Douzima-Lawson

Ms Paolina Massidda

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**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. SUBMISSION

1. The Office of the Prosecutor (“Prosecution”) defers to the discretion of Trial Chamber V (“Chamber”) in the disposition of YEKATOM’s Request for reconsideration of the 26 August 2020 Decision on the Initial Directions on the Conduct of the Proceedings.<sup>1</sup>

2. The Prosecution takes no position on the substantive grounds advanced in the Request in support of ‘reconsideration’. The matter raised in the Request (a) is limited; (b) concerns a tension or disagreement among the Defence which arising from the Initial Directions that bears on their respective trial strategies and/or preparation in the context of a joint trial;<sup>2</sup> and (c) does not appear to materially upset the orderly conduct of the proceedings.

3. That said, article 64(8)(b) and rule 140 expressly vest the Chamber with the authority to reasonably regulate the Parties’ and Participants’ presentations at trial, particularly regarding the timing of opening, closing, and ‘unsworn’ statements. The Prosecution is fully confident that in the exercise of its broad discretion, the Chamber can and will ensure the efficient and fair conduct of trial in either case.




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**James Stewart, Deputy Prosecutor**

Dated this 12<sup>th</sup> of January 2021  
At The Hague, The Netherlands

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<sup>1</sup> ICC-01/14-01/18-631 (“Request”).

<sup>2</sup> See rule 136(2) of the Rules of Evidence and Procedure (“Rules”); cf ICC-01/14-01/18-631, para. 11.