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**No. ICC-01/14-01/18
Date: 21 March 2022**

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 Common Legal Representative of the Former Child Soldiers
Request for Leave to Reply to the Yekatom Defence Response ICC-01/14-01/18-
1305-Conf**

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 Regulations 24(5) and 34(c) of the Regulations of the Court, issues this ‘Decision on the Common Legal Representative of the Former Child Soldiers Request for Leave to Reply to the Yekatom Defence Response ICC-01/14-01/18-1305-Conf’.

1. On 22 February 2022, the Common Legal Representative of the Former Child Soldiers (the ‘CLRV1’) submitted a request to ‘maintain redactions to the identifying and contact information of the intermediaries and the organisations mentioned in victim application forms of the dual status individuals P-2582 and P-2620’ (the ‘Request’).¹
2. On 1 March 2022, the Office of the Prosecutor responded to the Request (the ‘Prosecution Response’).²
3. On 4 March 2022, as instructed by the Chamber,³ the Registry filed its observations on the Request (the ‘Registry Observations’).⁴
4. On 7 March 2022, the Common Legal Representatives of Victims of Other Crimes responded to the Request (the ‘CLRV2 Response’).⁵

¹ Request of the Common Legal Representative of the Former Child Soldiers to maintain redactions to the identifying and contact information of the intermediaries and the organisations mentioned in victim application forms of the dual status individuals P-2582 and P-2620, ICC-01/14-01/18-1290-Conf-Exp, confidential *ex parte*, only available to the CLRV1, the VPRS and the Prosecution (with confidential *ex parte* Annexes 1 and 2, only available to the CLRV1, the Registry and the Prosecution) (confidential redacted version notified the same day, ICC-01/14-01/18-1290-Conf-Red).

² Réponse de l’Accusation à la “Request of the Common Legal Representative of the Former Child Soldiers to maintain redactions to the identifying and contact information of the intermediaries and the organisations mentioned in victim application forms of the dual status individuals P-2582 and P-2620” (ICC-01/14-01/18-1290-Conf-Exp), ICC-01/14-01/18-1297-Conf-Exp, confidential *ex parte*, only available to the Prosecution, the CLRV1 and the Registry (confidential redacted version notified the same day).

³ Email from the Chamber, 24 February 2022, at 12:48.

⁴ Registry Observations on ICC-01/14-01/18-1290-Conf-Exp, ICC-01/14-01/18-1302-Conf-Exp, confidential *ex parte*, only available to the Registry, the Prosecution and the CLRV1 (confidential redacted version notified the same day).

⁵ Response by the Common Legal Representatives of Victims of Other Crimes to the “Request of the Common Legal Representative of the Former Child Soldiers to maintain redactions to the identifying and contact information of the intermediaries and the organisations mentioned in victim application forms of the dual status individuals P-2582 and P-2620”, ICC-01/14-01/18-1304-Conf.

5. On the same day, the Yekatom Defence responded to the Request (the ‘Defence Response’).⁶
6. On 9 March 2022, the CLRV1 requested leave to reply to the Defence Response, arguing, *inter alia*, that it contains two new requests and raises ‘serious allegations’ against him (the ‘Request for Leave to Reply’).⁷ In particular, he seeks to reply to the following issues: (i) the ‘applicable procedure governing the disclosure of the victim application forms of dual status individuals as set out in the present case’; (ii) the CLRV1’s ‘alleged failure to provide the Prosecution with unredacted versions of P-2582’s and P-2620’s victim application forms and his alleged violation of the applicable procedure’; (iii) the CLRV1’s ‘alleged failure to address the substance of the two Defence requests for lifting redactions’; and (iv) the CLRV1’s ‘alleged failure to duly cooperate as part of *inter partes* consultations’ (the ‘Issues’).⁸
7. On 10 March 2022, the Yekatom Defence indicated that it does not oppose the Request for Leave to Reply. Moreover, it indicated that in light of the ‘material addition to the procedural history’ in paragraph 7 of the Request for Leave, ‘further clarity would be in the interests of justice’.⁹
8. Out of fairness to the CLRV1 and taking note of the Yekatom Defence’s submission that a reply would be in the interests of justice, the Single Judge considers it appropriate to allow the CLRV1 to reply to the Defence Response in relation to the Issues. The CLRV1 may thus file a reply of 10 pages maximum by 25 March 2022.

⁶ Yekatom Defence Response to ‘Confidential Redacted Version of the “Request of the Common Legal Representative of the Former Child Soldiers to maintain redactions to the identifying and contact information of the intermediaries and the organisations mentioned in victim application forms of the dual status individuals P-2582 and P-2620”’ (ICC-01/14-01/18-1290-Conf-Red), ICC-01/14-01/18-1305-Conf (with confidential Annexes A and B).

⁷ Request of the Common Legal Representative of the Former Child Soldiers for leave to reply to the Defence’s Response No. ICC-01/14-01/18-1305-Conf dated 7 March 2022, ICC-01/14-01/18-1308-Conf, paras 2, 29, 32.

⁸ Request for Leave to Reply, ICC-01/14-01/18-1308-Conf, para. 30.

⁹ Email from the Yekatom Defence, 10 March 2022, at 09:52.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Request for Leave to Reply;

ORDERS the CLRV1 to file a reply of 10 pages maximum by 25 March 2022; and

ORDERS the participants and the Registry to file public redacted versions of the Request, the Prosecution Response, the Registry Observations, the CLRV2 Response, the Defence Response and the Request for Leave to Reply, respectively, within one week of notification of the present decision.

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



Judge Bertram Schmitt
Single Judge

Dated 21 March 2022

At The Hague, The Netherlands