



Original: English

No. ICC-01/14-01/18

Date: 11 January 2019

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *THE PROSECUTOR V. ALFRED YEKATOM***

PUBLIC

Decision on Prosecutor's Requests to Reply

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

Counsel for the Defence

Stéphane Bourgon

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

JUDGE ROSARIO SALVATORE AITALA, acting as Single Judge on behalf of Pre-Trial Chamber II (the “Chamber”) of the International Criminal Court (the “ICC”),¹ issues this decision on the Prosecutor’s requests to reply.

1. On 11 November 2018, the Chamber issued a warrant of arrest against Alfred Yekatom² who was surrendered to the Court on 17 November 2018.
2. On 17 December 2018, the Prosecutor submitted the “Prosecution’s submission on a Proposed Protocol on the Handling of Confidential Information and Contacts with Witnesses” (the “Prosecutor’s Proposed Protocol on Confidential Information”)³.
3. On 21 December 2018, the Prosecutor submitted the “Prosecution’s Request for a Protocol and Redactions” (the “Prosecutor’s Proposed Redaction Protocol”).⁴
4. On 2 January 2019, the Defence submitted the “Expedited request on behalf of Mr. Yekatom seeking a limited extension of time to respond to “Prosecution’s submission on a Proposed Protocol on the Handling of Confidential Information and Contacts with Witnesses” and “Prosecution’s Request for a Protocol on Redactions”⁵ requesting that the Defence be allowed to respond on 7 January 2019, which was granted by the Single Judge the same day *via* email.⁶
5. On 7 January 2019, the Defence responded to the Prosecutor’s Proposed Protocol on Confidential Information and the Prosecutor’s Proposed Redaction Protocol.⁷
6. On 10 January 2019, the Prosecutor requested leave to reply on discrete issues emanating from the two Defence responses.⁸
7. The Single Judge notes regulation 24(5) of the Regulations of the Court.

¹ Pre-Trial Chamber II, Decision designating a Single Judge, 6 December 2018, ICC-01/14-01/18-27.

² Pre-Trial Chamber II, Warrant of Arrest for Alfred Yekatom, ICC-01/14-01/18-1-US-Exp. A public redacted version of the warrant of arrest was issued on 17 November 2018, *see* ICC-01/14-01/18-1-Red.

³ ICC-01/14-01/18-35 with two public annexes.

⁴ ICC-01/14-01/18-39 with one public annex.

⁵ ICC-01/14-01/18-46.

⁶ Email dated 2 January 2019 at 12:12 from the Single Legal Adviser of the Pre-Trial Division to the Defence.

⁷ ICC-01/14-01/18-47 with one public annex; ICC-01/14-01/18-51 with two public annexes.

⁸ ICC-01/14-01/18-53; ICC-01/14-01/18-54.

Reply to Defence response regarding the Prosecutor's Proposed Protocol on Confidential Information

8. Having reviewed the discrete issues which the Prosecutor intends to address in the reply, the Single Judge grants the requests and orders the Prosecutor to submit the reply no later than Wednesday, 16 January 2019, 16:00 hours.

Reply to Defence response regarding the Prosecutor's Proposed Redaction Protocol

9. Having reviewed the discrete issues which the Prosecutor intends to address in the reply, the Single Judge finds that it is not necessary to receive further submissions. The Single Judge has at his disposal all the necessary information to decide on the matter concerned.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

- a) **GRANTS** leave to reply to the Defence response relating to the Prosecutor's Proposed Protocol on Confidential Information and **ORDERS** the Prosecutor to reply no later than Wednesday, 16 January 2019, 16:00 hours; and
- b) **REJECTS** the Prosecutor's request for leave to reply to the Defence response relating to the Prosecutor's Proposed Redaction Protocol.

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



**Judge Rosario Salvatore Aitala,
Single Judge**

Dated this Friday, 11 January 2019

At The Hague, The Netherlands