



Original: English

**No. ICC-01/14-01/18
Date: 19 March 2020**

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

Public

Order Scheduling First Status Conference

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Kweku Vanderpuye

Counsel for the Alfred Yekatom

Mylène Dimitri
Peter Robinson

Counsel for Patrice-Edouard Ngaissona

Geert-Jan Alexander Knoops

Legal Representatives of Victims

Abdou Dangabo Moussa
Elisabeth Rabesandratana
Yaré Fall
Marie-Edith Douzima-Lawson
Paolina Massidda

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

Dmytro Suprun

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Other

TRIAL CHAMBER V ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Article 64(2) and (3) of the Rome Statute (the 'Statute'), Rule 132(1) of the Rules of Procedure and Evidence (the 'Rules') and Regulation 54 of the Regulations of the Court, issues this 'Order Scheduling First Status Conference'.

1. In order to set the date of the trial, the Chamber convenes a status conference on 21 April 2020, pursuant to Rule 132(1) of the Rules.¹
2. In order to facilitate the preparation of this status conference and noting Regulation 54 of the Regulations, the Chamber seeks submissions from the parties and participants on the potential agenda items listed below. The Chamber notes that this list is without prejudice to whether or how it will address these matters during the trial phase of the proceedings.
3. Submissions are sought on the following items:
 - A. Commencement date of the trial.
 - B. Anticipated evidence. This item is primarily addressed to the Prosecutor. The Defence is not obliged to provide this information at this time unless it wishes to do so.
 - (1) Estimated number of witnesses to be called and number of hours of in-court testimony;
 - (2) Use of expert witnesses;
 - (3) Testimony given by audio or video link;
 - (4) Estimated volume of documentary and other non-testimonial evidence to be relied upon at trial;
 - (5) Use of Rule 68 of the Rules.
 - C. Agreed facts under Rule 69 of the Rules.

¹ The Chamber is mindful of the current state of public health in the Host State and other countries. Should the development of the situation render the status conference on the indicated date impractical, the Chamber will amend the timelines set out in this decision, in due course.

- D. Languages to be used by the parties, participants, and the witnesses the parties intend to call.
 - E. Disclosure of outstanding material in the Prosecution's possession and related issues:
 - (1) Whether the Prosecution's investigations are still ongoing;
 - (2) Timing and volume of disclosure of outstanding evidence pursuant to Article 67(2) of the Statute and Rules 76 and 77 of the Rules;
 - (3) Transcription and translation issues;
 - (4) Protective measures of witnesses (including additional need for redactions, delayed disclosure or referrals to the Court's witness protection programme);
 - (5) Disclosure of witnesses' identities which have been withheld from the Defence;
 - (6) Disclosure of material obtained pursuant to Article 54(3)(e) of the Statute.
 - F. Disclosure by the Defence, including whether the Defence intends to advance a defence in accordance with Rules 79 and 80 of the Rules.
 - G. Provision of a pre-trial brief by the Prosecutor.
 - H. Estimated length of opening statements.
 - I. Update and forecast on (additional) applications by victims to participate in the proceedings.
4. The Registry is ordered to make submissions on items D., E. (4) and I.
 5. The parties and participants may express their wish to add further items to the list and indicate whether parts of the status conference should be held *ex parte*.
 6. Should the parties and participants be of the view that any matters ought to be resolved before the status conference, they should bring these to the Chamber's attention promptly.

7. Noting Article 64(8)(b) of the Statute and Rule 140(1) of the Rules, the Chamber also informs the parties that it intends to issue directions on a variety of matters pursuant to Article 64(8)(b) of the Statute in due course. The Chamber may take into account the submissions of the parties on these matters, but reserves the right to give directions in such a manner so as to comply with the principles of expeditiousness and fairness.
8. Finally, the Chamber confirms that, unless otherwise indicated, the following existing procedures adopted by Pre-Trial Chamber II remain in place:
 - i. E-Court protocol;²
 - ii. Redactions protocol;³
 - iii. Protocol on the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant;⁴
 - iv. Victim application procedure.⁵

FOR THESE REASONS, THE CHAMBER HEREBY

CONVENES a status conference on 21 April 2020;

ORDERS the parties to provide submissions as set out above, by 8 April 2020.


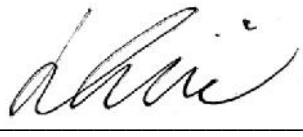
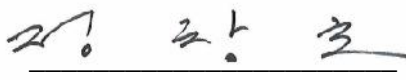
² Annex to the Decision on Disclosure and Related Matters, 23 January 2019, ICC-01/14-01/18-64-Anx.

³ Decision on Disclosure and Related Matters, 23 January 2019, ICC-01/14-01/18-64-Conf. *See also* Second Decision on Disclosure and Related Matters, 4 April 2019, ICC-01/14-01/18-163 (notified on 5 April 2019).

⁴ Annex A to the Decision on a Protocol on the Handling of Confidential Information and Contacts with Witnesses, 22 March 2019, ICC-01/14-01/18-156-AnxA.

⁵ Decision Establishing the Principles Applicable to Victims' Applications for Participation, 5 March 2019, ICC-01/14-01/18-141.

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

 _____	 _____	
Judge Péter Kovács	Judge Bertram Schmitt	
	Presiding Judge	
		 _____
		Judge Chang-ho Chung

Dated this Thursday, 19 March 2020

At The Hague, The Netherlands