

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-01/14-01/18
Date: 20 February 2023

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
NGAÏSSONA**

Public

With Confidential *EX PARTE* Annex only available to the Registry

**Public redacted version of “Registry Observations on Yekatom Defence Request
ICC-01/14-01/18-1728-Conf-Exp-Red”, 30 January 2023,
ICC-01/14-01/18-1737-Conf-Exp**

Source: Registry

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

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I. Introduction

1. Pursuant to Trial Chamber V's ("Chamber") instruction conveyed by email of 20 January 2023 in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaissona* ("Case" and "Order"),¹ the Registry hereby submits its observations on Mr. Yekatom's Defence ("Defence") request for disclosure of any information in possession of the Registry of an individual named [REDACTED] ("Defence Request").²

II. Procedural History

2. On 29 November 2022, upon inquiry from the Prosecution ("OTP"),³ the Registry's Victims Participation and Reparations Section ("VPRS") confirmed that an individual named [REDACTED] has been one of its focal points in the Central African Republic ([REDACTED] and "CAR").⁴
3. On 14 December 2022, the OTP again reached out to the VPRS and inquired whether an individual by the name of [REDACTED] is the person [REDACTED],⁵ to which the VPRS answered in the negative, based on the information in its possession at the time.⁶

¹ Email from Trial Chamber V communications to the VPRS on 20 January 2023 at 11:13.

² Defence, "Confidential Redacted Ex Parte Version of" Yekatom Defence request for disclosure of any information in possession of the Registry of an individual named [REDACTED]", 19 January 2023, ICC-01/14-01/18-1728-Conf-Exp-Red.

³ Email from OTP to VPRS on 29 November 2022 at 12:47.

⁴ Email from VPRS to OTP on 29 November 2022 at 14:46, upon which the OTP's communication to the Defence of the same day was based, *see* Defence Request, para. 10. The VPRS further explained to the OTP that absent a judicial order, it was not able to provide the full name of the person, or any other further identifying information in its possession.

⁵ Email from OTP to VPRS on 14 December 2022 at 13:48.

⁶ Phone conversation between VPRS and OTP on 14 December 2022 at 14:20. The VPRS informed that the former focal point [REDACTED] has a different family name as well as [REDACTED] in the first name.

4. On 19 January 2023, the Defence requested the disclosure of any information in possession of the Registry of an individual named [REDACTED].⁷
5. On 20 January 2023, the Chamber issued the Order, instructing the Registry to provide its observations on the Defence Request by the deadline applicable to the participants' responses.⁸

III. Applicable Law

6. The present observations are submitted in accordance with the Order and regulations 24 and 34(b) of the Regulations of the Court ("RoC").

IV. Classification

7. Pursuant to regulation 23bis(2) of the RoC, the present submission is classified as confidential because it refers to the Defence Request with the same classification. In accordance with to regulation 23bis(1) the annex is classified as confidential *ex parte*, only available to the Registry since it contains identifying information pertaining to the Registry's focal points in CAR.

V. Submissions

8. While not privy to the evidence presented in the Case by the Parties, the Registry has taken note of the specific information provided in the Defence Request concerning [REDACTED], including the submissions on his current place of residence and his acquaintance with [REDACTED].⁹
9. In light of this new information, the Registry has conducted further inquiries into the identity of its focal point in the CAR ([REDACTED]). In addition to his phone number and a copy of a voting card already in its possession, the Registry obtained, on 25 January 2023, a copy of [REDACTED] national

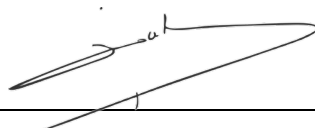
⁷ See *supra*, footnote 2.

⁸ See *supra*, footnote 1.

⁹ Defence Request, paras. 6, 25 and 26.

identity card and of his résumé [REDACTED].¹⁰ The latter document displays a variation of [REDACTED] full name and notably includes the name [REDACTED], thereby suggesting that he may be the individual in the Defence Request.

10. The Registry maintains that the safety of its intermediaries and focal points in CAR needs to be appropriately protected and that generally, risks may arise from disclosing their identifying information to the parties.¹¹ It also notes the Chamber's recent ruling on a somewhat similar matter in the Case.¹² The Registry stands ready to implement the course of action as may be decided by the Chamber on the present matter.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 20 February 2023

At The Hague, The Netherlands

¹⁰ See Annex.

¹¹ Registry, "Registry Observations on ICC-01/14-01/18-1290-Conf-Exp", ICC-01/14-01/18-1302-Conf-Exp, 4 March 2022 (a confidential redacted version notified the same day, ICC-01/14-01/18-1302-Conf-Red), paras 15, 16

¹² Trial Chamber V, Single Judge, "Decision on the Common Legal Representative of the Former Child Soldiers Request to Maintain Redactions to Identifying and Contact Information of Intermediaries mentioned in Victim Application Forms", ICC-01/14-01/18-1578-Conf, 21 September 2022, paras. 34, 35.