

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. **ICC-01/14-01/18**
Date: **14 December 2023**

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 Prosecution Request for Extension of Time to Respond to
Yekatom Defence's Request to Exclude Evidence**

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

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Other

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 Ngaiïssona*, having regard to Regulation 35 of the Regulations of the Court (the ‘Regulations’), issues this ‘Decision on the Prosecution Request for Extension of Time to Respond to Yekatom Defence’s Request to Exclude Evidence’.

1. On 5 December 2023, the Yekatom Defence (the ‘Defence’) requested that the Chamber exclude certain evidence related to the allegations presented under Count 29, pursuant to Article 69(7) of the Statute (the ‘Defence Request’).¹
2. On 8 December 2023, the Prosecution filed a request pursuant to Regulation 35 of the Regulations for an extension of time to respond to the Defence Request until 19 January 2024 (the ‘Prosecution Request’). The Prosecution argues that good cause is shown due to the Defence Request being ‘voluminous’, ‘broach[ing] a number of important issues’ and ‘levell[ing] several serious allegations’. It further submits that granting the Prosecution Request will cause no prejudice as the requested extension includes the judicial recess period.²
3. On the same day, the Single Judge shortened the time limit for responses to the Prosecution Request until 11 December 2023.³
4. On 11 December 2023, the Common Legal Representative of the Former Child Soldiers and the Common Legal Representatives of Victims of Other Crimes (jointly, the ‘CLR/V’) supported the Prosecution Request and requested an equivalent extension of time to respond (the ‘CLR/V Request’).⁴
5. On the same day, the Defence indicated that it does not oppose the Prosecution Request.⁵

¹ Request for the Exclusion of Fabricated Evidence, ICC-01/14-01/18-2240-Conf (with confidential Annexes A-C and public Annex D), paras 5, 153.

² Prosecution’s Request for Variation of Time Limit pursuant to Regulation 35, ICC-01/14-01/18-2251-Conf, paras 1, 11.

³ Email from the Chamber, 8 December 2023, at 16:16.

⁴ *See, respectively* email from the Common Legal Representative of the Former Child Soldiers, 11 December 2023, at 8:36; email from the Common Legal Representatives of Victims of Other Crimes, 11 December 2023, at 8:47.

⁵ Yekatom Defence Response to ‘Prosecution’s Request for Variation of Time Limit pursuant to Regulation 35’ (ICC-01/14-01/18-2251-Conf), ICC-01/14-01/18-2254-Conf, para. 2.

6. Pursuant to Regulation 35(2) of the Regulations, a chamber may extend a time limit at the request of a participant 'if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard'.
7. The Single Judge is of the view that in light of the reasons provided, good cause has been shown pursuant to Regulation 35 of the Regulations. Therefore, the Single Judge grants the Prosecution Request and extends the time limit to respond to the Defence Request to 19 January 2024. The extension also applies to the other participants.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Prosecution Request;

GRANTS the CLRV Request; and

ORDERS the Prosecution and the Defence to file public redacted versions, or request reclassification to public, of filings ICC-01/14-01/18-2251-Conf and ICC-01/14-01/18-2254-Conf, respectively, within one week of notification of this decision.

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



Judge Bertram Schmitt

Single Judge

Dated 14 December 2023

At The Hague, The Netherlands