



Original: English

**No. ICC-01/14-01/18
Date: 29 November 2018**

PRE-TRIAL CHAMBER II

**Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala**

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

Public

Decision on Withdrawal of Counsel

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

Mathias Barthelemy Morouba
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**

Xavier-Jean Keïta

States Representatives

Other

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

Paddy Craig

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER II (the “Chamber”) of the International Criminal Court (the “Court”) issues this decision on withdrawal of counsel.

1. On 11 November 2018, the Chamber issued a warrant of arrest against Alfred Yekatom¹ who was surrendered to the Court on 17 November 2018.
2. On 19 November 2018, the Registry informed the Chamber that Mr Mathias Barthelemy Morouba (“Mr Morouba”) had been appointed by Alfred Yekatom as counsel to represent him in the proceedings before the Court.²
3. On 20 November 2018, the Chamber received the “Prosecution’s Submission on the Appointment of Defence Counsel”.³ On the same day, the Single Judge suspended the appointment of Mr Morouba and appointed the Office of the Public Counsel for the defence (the “OPCD”) to represent Alfred Yekatom, until otherwise ordered by the Chamber.⁴
4. On 22 November 2018, the Registry transmitted a document from Mr Alfred Yekatom informing the Chamber that he withdraws his request for representation involving Mr Morouba and requests to be represented by Stéphane Bourgon (“Mr Bourgon”).⁵
5. On 27 November 2018, the Chamber received the “Requête en désistement” (the “Request”) in which Mr Morouba seeks the Chamber’s leave to withdraw as counsel for Alfred Yekatom in order to allow the latter

¹ Pre-Trial Chamber II, Warrant of Arrest for Alfred Yekatom, 11 November 2018, ICC-01/14-01/18-1-US-Exp. A public redacted version of the warrant was issued on 17 November 2018, ICC-01/14-01/18-1-Red.

² ICC-01/14-01/18-13, para. 1.

³ ICC-01/14-01/18-14-US-Exp.

⁴ ICC-01/14-01/18-16.

⁵ ICC-01/14-01/18-18-Conf-Anx.

to be represented by counsel in Europe, near the Court.⁶ On the same day, the Chamber was informed that Mr Bourgon has accepted to represent Alfred Yekatom as counsel in the proceedings before the Court.⁷

6. The Chamber notes article 67(1)(d) of the Rome Statute (the “Statute”), regulations 23*bis* and 78 of the Regulations of the Court and articles 8, 15(2), 17(2), 18(3) and 19 of the Code of Professional Conduct for counsel (the “Code of Conduct”).

7. The Chamber recalls that, despite Mr Morouba’s suspension from representation, he remained formally Alfred Yekatom’s counsel, until otherwise determined. Noting Mr Morouba’s wish to withdraw and the reasons given therefore, the Chamber hereby grants the Request. The Chamber reminds Mr Morouba that he remains subject to articles 8, 15 and 17 to 19 of the Code of Conduct.

8. Noting that Mr Bourgon has accepted Alfred Yekatom’s request for representation, the Chamber hereby terminates the appointment of the OPCD.

9. For the purpose of publicity of the case record, the Chamber hereby orders the Registry (in consultation with Mr Bourgon, as the case may be) and the Prosecutor to indicate no later than Tuesday, 4 December 2018, whether their respective submissions may be re-classified as public without redactions or, alternatively, to submit redacted versions thereof. The Request may be classified as public.

⁶ ICC-01/14-01/18-19-Conf-Exp, para. 5.

⁷ ICC-01/14-01/18-20-Conf-Anx.

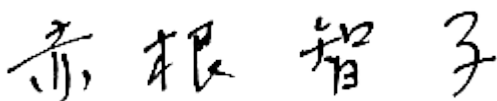
FOR THESE REASONS, THE CHAMBER HEREBY

- a) **GRANTS** the Request;
- b) **ORDERS** the Registry (in consultation with Mr Bourgon, as the case may be) and the Prosecutor to indicate no later than Tuesday, 4 December 2018, whether their respective submissions, set forth below, may be re-classified as public without redactions or, alternatively, to submit redacted versions thereof:
- ICC-01/14-01/18-14-US-Exp
 - ICC-01/14-01/18-18-Conf and ICC-01/14-01/18-Conf-Anx
 - ICC-01/14-01/18-20-Conf and ICC-01/14-01/18-20-Conf-Anx;
- c) **ORDERS** the Registry to reclassify the Request as public.

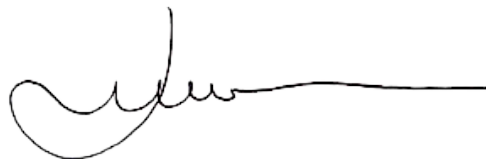
Done in both English and French, the English version being authoritative.



**Judge Antoine Kesia-Mbe Mindua,
Presiding Judge**



Judge Tomoko Akane



Judge Rosario Salvatore Aitala

Dated this Thursday, 29 November 2018

At The Hague, The Netherlands