

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/14-01/18

Date: 4 June 2019

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 AND PATRICE-EDOUARD
NGAISSONA***

Public Redacted

Notification by the Office of Public Counsel for Victims pursuant to the “Decision on the Legal Representation of Victims” dated 23 May 2019 (ICC-01/14-01/18)

Source: Office of Public Counsel for Victims

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Kweku Vanderpuye

Counsel for Mr Alfred Yekatom

Mr Stéphane Bourgon
Ms Mylène Dimitri

**Counsel for Mr Patrice-Edouard
Ngaissona**

Mr Geert-Jan Alexander Knoops

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Mr Dmytro Suprun

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Mr Esteban Peralta

Victims and Witnesses Unit

Mr Nigel Verill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. PROCEDURAL BACKGROUND

1. On 17 November 2018, Pre-Trial Chamber II (the “Chamber”) issued the “Public Redacted Version of ‘Warrant of Arrest for Alfred Yekatom’, ICC-01/14-01/18-1-US-Exp, 11 November 2018”.¹ Mr Yekatom was surrendered to the Court by the authorities of the Central African Republic on 17 November 2018.

2. On 13 December 2018, the Chamber issued the “Public Redacted Version of ‘Warrant of Arrest for Patrice-Edouard Ngaïssona’”.² Mr Ngaïssona was surrendered to the Court by the authorities of the French Republic on 23 January 2019.

3. On 20 February 2019, the Chamber issued the “Decision on the joinder of the cases against Alfred Yekatom and Patrice-Edouard Ngaïssona and other related matters”, thereby joining the cases against Mr Yekatom and Mr Ngaïssona.³ The Chamber scheduled the confirmation of charges hearing in the present case to commence on 18 June 2019.⁴

4. On 5 March 2019, the Chamber issued the “Decision Establishing the Principles Applicable to Victims’ Applications for Participation”,⁵ thereby, *inter alia*, ordering the Registry to submit a report regarding the organisation of the system of legal representation by 16 April 2019 at the latest.⁶

¹ See the “Public Redacted Version of ‘Warrant of Arrest for Alfred Yekatom’, ICC-01/14-01/18-US-Exp, 11 November 2018” (Pre-Trial Chamber II), No. [ICC-01/14-01/18-1-Red](#), 17 November 2018.

² See the “Public Redacted Version of ‘Warrant of Arrest for Patrice-Edouard Ngaïssona’” (Pre-Trial Chamber II), No. [ICC-01/14-01/18-89-Red](#), 13 December 2018.

³ See the “Decision on the joinder of the cases against Alfred Yekatom and Patrice-Edouard Ngaïssona and other related matters” (Pre-Trial Chamber II), No. [ICC-01/14-01/18-121](#), 20 February 2019.

⁴ *Idem*, p. 11.

⁵ See the “Decision Establishing the Principles Applicable to Victims’ Applications for Participation” (Pre-Trial Chamber II), No. [ICC-01/14-01/18-141](#), 5 March 2019.

⁶ *Idem*, p. 23.

5. On 16 April 2019, the Registry transmitted the “Registry’s Report on Legal Representation of Victims”, which was notified on 17 April 2019.⁷

6. On 15 May 2019, the Chamber issued the “Decision on the ‘Prosecution’s Request to Postpone the Confirmation Hearing and all Related Disclosure Deadlines’”,⁸ thereby postponing the start of the confirmation hearing in the present case to 19 September 2019.⁹

7. On 23 May 2019, the Chamber issued the “Decision on the Legal Representation of Victims”,¹⁰ whereby it (i) appointed counsel from the Office of Public Counsel for Victims (the “OPCV”) to act as the common legal representative of the Former Child Soldiers, and (ii) ordered the Registry to enquire whether the legal representatives designated by the Victims of Other Crimes are willing to jointly act within a single team representing these victims and to inform the Chamber of the outcome of the consultations by 7 June 2019 at the latest.¹¹

8. The present submission is filed Confidential *Ex parte* available to the OPCV and the VPRS only because it contains information related to the ongoing consultation process for the appointment of common legal representative(s). Annex 1 is filed Confidential *Ex parte* available to the OPCV and the VPRS only because it contains a correspondence between the Office and the Registry. A public redacted version of this submission is filed simultaneously.

⁷ See the “Registry’s Report on Legal Representation of Victims”, No. [ICC-01/14-01/18-178](#), 17 April 2019 (dated 16 April 2019).

⁸ See the “Decision on the ‘Prosecution’s Request to Postpone the Confirmation Hearing and all Related Disclosure Deadlines’” (Pre-Trial Chamber II), No. [ICC-01/14-01/18-199](#), 15 May 2019.

⁹ *Idem*, p. 17.

¹⁰ See the “Decision on the Legal Representation of Victims” (Pre-Trial Chamber II), No. [ICC-01/14-01/18-205](#), 23 May 2019.

¹¹ *Idem*, p. 9.

II. NOTIFICATION

9. Pursuant to the Decision on Legal Representation of Victims, the Principal Counsel of the OPCV herewith notifies the Chamber that Mr Dmytro Suprun, Counsel within the OPCV, has been designated to act as the Common Legal Representative of the Former Child Soldiers.

10. As per the decision of the Chamber,¹² a Central African lawyer will be designated as Field assistant or Field counsel to be permanently based in the field and to maintain regular contact with the victims. The Chamber will be notified in due course of the name of the designated person.

11. As far as the Victims of Other Crimes are concerned, the Principal Counsel notes that an important number of the victims falling under said category have designated her to act as their legal representative and others have already expressed their wish to be represented by her in the proceedings.¹³ In order to ensure the victims' choice under rule 90(1) of the Rules of Procedure and Evidence, and noting the instructions of the Chamber in relation to the composition of a single team representing said victims, the Principal Counsel herewith notifies the Chamber of her willingness to jointly act with the other counsel who have also been chosen by the victims. In this regard, the Principal Counsel provides in Annex 1 – Confidential *Ex Parte* available to the OPCV and the VPRS only – the exchange of correspondence with the Registry [REDACTED].¹⁴

12. [REDACTED].¹⁵

¹² *Ibid.*, para. 16.

¹³ [REDACTED].

¹⁴ See Annex 1 Confidential *Ex parte* only available to the OPCV and the VPRS.

¹⁵ [REDACTED].

Respectfully submitted.

A handwritten signature in black ink, reading "Paolina Massidda". The signature is written in a cursive style with a horizontal line underneath the name.

Paolina Massidda
Principal Counsel

Dated this 4th day of June 2019

At The Hague, The Netherlands