

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/18

Date: 23 August 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-ÉDOUARD NGAÏSSONA***

Public Document

**OPCV's Response to the Yekatom Defence's "Motion for Review and
Reclassification of *Ex Parte* Filings"**

Source: Office of Public Counsel for Victims

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Section**

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I. INTRODUCTION

1. The Principal Counsel of the Office of Public Counsel for Victims (“OPCV”) hereby submits her response to the “Motion for Review and Reclassification of *Ex Parte* Filings” filed by the Defence for Mr Yekatom on 20 August 2019 (the “Defence Motion”).¹

2. This response relates to the only *ex parte* submission so far filed by the OPCV in the record of the case. The Principal Counsel respectfully requests the reclassification as “confidential” of the “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)”, ICC-01/14-01/18-218-Conf-Exp (the “Notification”) filed on 4 June 2019.² As far as Annex 1 to said Notification is concerned, the Principal Counsel submits that the current level of classification should be maintained since the reasons justifying it remain unchanged.

II. PROCEDURAL BACKGROUND

3. On 23 May 2019, Pre-Trial Chamber II (the “Chamber”) issued the “Decision on the Legal Representation of Victims” (i) appointing counsel from the OPCV to act as the common legal representative of the Former Child Soldiers, and (ii) ordering the Registry to enquire whether the Legal Representatives designated by the Victims of Other Crimes were willing to jointly act to represent them within a single team and to inform the Chamber of the outcome of the consultations by 7 June 2019.

¹ See the “Motion for Review and Reclassification of *Ex Parte* Filings”, No. [ICC-01/14-01/18-283](#), 20 August 2019 (the “Defence Motion”).

² See the “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)”, No. ICC-01/14-01/18-218-Conf-Exp+Conf-Exp-Anx, 4 June 2019.

4. On 4 June 2019, the OPCV filed the Notification, including an Annex 1 “confidential *ex parte* OPCV and VPRS only”.³ A public redacted version of the Notification was filed simultaneously.⁴

5. On 20 August 2019, the Defence for Mr Yekatom requested the Chamber to review, prior to the confirmation of charges hearing, all *ex parte* filings in the record of the case for eventual reclassification.⁵

6. On 21 August 2019, the Chamber instructed the OPCV, by way of email communication, to file its response to the Defence Motion by 27 August 2019.⁶

III. SUBMISSIONS

7. The Principal Counsel submits that the Notification can be re-classified as “confidential” at this stage of the proceedings, thereby making it accessible to the other parties. The Principal Counsel argues that the nature of the information contained in the Notification - which relates to internal working procedures of the Office - justifies the non-disclosure to the public. In relation to Annex 1 to the Notification, the Principal Counsel submits that the reasons justifying its classification as “confidential *ex parte* OPCV and VPRS only” remain valid and unchanged. In particular, the information contained in Annex 1 relates to the organisation of the common legal representation of Victims. Since the information contained in Annex 1 concerns an internal correspondence between the Legal Representatives of Victims and the VPRS, emanating originally from said Section, the Principal Counsel has consulted with the Chief of the VPRS who indicated being in agreement with the Principal Counsel’s position as to the maintain of the classification. Finally, the Principal Counsel underlines that the information

³ *Idem*.

⁴ See the “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)”, No. [ICC-01/14-01/18-218-Red](#), 4 June 2019.

⁵ See the Defence Motion, *supra* note 1.

⁶ See e-mail communication from the Chamber on 21 August 2019 at 16:28.

contained in Annex 1 is in no way material to the Defence and no other justification for reclassifying it exists in the circumstances.

8. Respectfully submitted,

A handwritten signature in black ink, reading "Paolina Massidda", with a horizontal line underneath the name.

Paolina Massidda
Principal Counsel

Dated this 23 August 2019

At The Hague, The Netherlands