



Original: English

No.: ICC-01/14-01/18
Date: 6 September 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 *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public

**Prosecution's Observations regarding the YEKATOM Defence's "Motion for
Disclosure of Witnesses with Dual Status" (ICC-01/14-01/18-308)**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

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Mr Peter Lewis

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Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
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Other

I. OBSERVATIONS

1. As the YEKATOM Defence's "Motion for Disclosure of Witnesses with Dual Status"¹ requests Pre-Trial Chamber II ("Chamber") to issue an Order directed to the Registry, the Prosecution provides only limited observations, as set out below. The Prosecution otherwise defers to the Chamber's discretion in the disposition of the Motion.

2. In respect of the Response of the Common Legal Representative of the Former Child Soldiers and the Common Legal Representatives of the Victims of Other Crimes (jointly, the "Legal Representatives") notified earlier today,² the Prosecution confirms its willingness to consult on and/or assist in identifying any dual status individuals.³ The Prosecution concurs with the Legal Representatives in that, in effect, the Motion concerns only the pool of the 15 Group C applicants that the Chamber has thus far authorised ("Group C Participants").⁴

3. Per the information currently available to the Prosecution, of the Group C Participants, six victims are represented by counsel in the Office of Public Counsel for Victims ("OPCV"). None overlap Prosecution Witnesses cited in support of its Document Containing the Charges.⁵ That said, the Prosecution is not yet aware of the circumstances regarding the remaining nine victims who are represented by the other designated Legal Representatives of Victims in the case.⁶

¹ ICC-01/14-01/18-308 ("Motion").

² ICC-01/14-01/18-323.

³ See ICC-01/14-01/18-323, para. 16.

⁴ ICC-01/14-01/18-227-Red, p. 14.

⁵ See ICC-01/14-01/18-308, para. 10 (requesting information on which witnesses that the Prosecution relies upon in the DCC have dual status).

⁶ ICC-01/14-01/18-205, p. 9; and ICC-01/14-01/18-227-Red, p. 14.



Fatou Bensouda, Prosecutor

Dated this 6th day of September 2019
At The Hague, The Netherlands