



Original: **English**

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

Date: **16 March 2020**

THE PRESIDENCY

Before: **Judge Chile Eboe-Osuji, President**
 Judge Robert Fremr, First Vice-President
 Judge Marc Perrin de Brichambaut, Second Vice-President

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF
THE PROSECUTOR V. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA

Public

Decision constituting Trial Chamber V and referring to it the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaiissona*

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**The Office of the Prosecutor**

Fatou Bensouda
James Stewart

Counsel for Alfred Yekatom

Mylène Dimitri
Peter Robinson

Counsel for Patrice-Edouard Ngaïssona

Geert-Jan Alexander Knoops

Legal Representative of Victims

Abdou Dangabo Moussa
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Yaré Fall
Marie-Edith Douzima-Lawson
Christine Priso Ouamballo
Paolina Massidda

Legal Representatives of Applicants**Unrepresented Victims****Unrepresented Applicants for
Participation/reparations****The Office of Public Counsel
for Victims**

Dmytro Suprun

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

Xavier-Jean Keïta

State Representatives**Amicus Curiae****REGISTRY****Registrar**

Peter Lewis

Counsel Support Section**Victims and Witness Unit****Detention Section****Victims Participation
and Reparations Section****Other**

Pre-Trial Chamber II

THE PRESIDENCY of the International Criminal Court (the ‘Court’);

NOTING article 61(11) of the Statute, pursuant to which the Presidency shall constitute a Trial Chamber once the charges have been confirmed, which shall be responsible for the conduct of subsequent proceedings, and rule 130 of the Rules of Procedure and Evidence (‘Rules’) whereby the Presidency shall refer the case to a Trial Chamber and transmit to it the Decision Confirming the Charges and the record of the proceedings;

NOTING the decision of Pre-Trial Chamber II dated 11 December 2019 which, *inter alia*, confirmed, pursuant to article 67(7)(a) of the Statute, certain of the charges presented by the Prosecutor against Messrs Yekatom and Ngaïssona in the case *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, to the extent specified at pages 100 to 107 of that decision, and committed each for trial on the charges as confirmed (‘Decision Confirming the Charges’);¹

NOTING the Decision of Pre-Trial Chamber II dated 11 March 2020 rejecting the request for reconsideration or leave to appeal the Decision filed by the Prosecutor, thereby concluding the proceedings in the case before that Chamber, and ordering the Registrar to transmit the Decision Confirming the Charges and the record of the proceedings to the Presidency;²

NOTING that the record of the proceedings before Pre-Trial Chamber II and the Decision Confirming the Charges were transmitted to the Presidency by the Registrar on 13 March 2020, in accordance with rule 129 of the Rules;³

NOTING the Presidency’s previous decision assigning judges to divisions and recomposing Chamber which, *inter alia*, dissolved Trial Chambers V(a) and V(b);⁴

NOTING further that when composing chambers, the Presidency must balance a number of factors to the extent necessary and possible, and that the guiding principles informing these factor are the applicable statutory framework and the need to ensure the efficient

¹ ICC-01/14-01/18-403-Red, public redacted version filed on 20 December 2019.

² Pre-Trial Chamber II, ‘Decision on the Prosecutor’s request for reconsideration or, in the alternative, leave to appeal the “Decision on the confirmation of charges against Alfred Yekatom and Patrice- Edouard Ngaïssona”’, ICC-01/14-01/18-447, para. 35, p. 13.

³ Transmission to the Presidency of the record of the proceedings, including the Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona, ICC-01/14-01/18-449 including its annexes.

⁴ Presidency, ‘Decision assigning judges to divisions and recomposing Chambers’, 16 March 2018, ICC-01/14-12.

management of the Court's workload, including in view of the Court's long-term needs;

CONSIDERING the current and anticipated overall judicial workload of the Court and the necessity to ensure sound management of the same, the need to expedite proceedings, the workload and individual concerns of the respective judges, their previous involvement in cases, as well as the experience and expertise of each judge;

HEREBY CONSTITUTES Trial Chamber V with immediate effect as follows:

Judge Bertram Schmitt

Judge Péter Kovács

Judge Chang-ho Chung

DECIDES to refer the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaiisona*, to Trial Chamber V;

ORDERS the Registrar, pursuant to rule 130 of the Rules, to transmit the full record of the proceedings in the above mentioned case to Trial Chamber V, including the Decision Confirming the Charges and to notify the present decision to the relevant parties and participants in the case.

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



Judge Chile Eboe-Osuji
President

Dated this 16 March 2020

At The Hague, The Netherlands