



**Original: English**

**No. ICC-01/14-01/18  
Date: 24 April 2020**

**TRIAL CHAMBER V**

**Before: Judge Bertram Schmitt, Single Judge**

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II**

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

**Public**

**Order to Review *Ex Parte* Filings on the Case Record**

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

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**Unrepresented Applicants for  
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**The Office of Public Counsel for Victims**

**The Office of Public Counsel for the  
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**States Representatives**

*Amicus Curiae*

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**REGISTRY**

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**Registrar**

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**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Regulation 23bis and 24bis(2) of the Regulations of the Court (the ‘Regulations’) and Regulation 24(4) of the Regulations of the Registry, issues this ‘Order to Review *Ex Parte* Filings on the Case Record’.

1. On 20 April 2020, the Yekatom Defence requested the Chamber that two filings on the case record<sup>1</sup> be reclassified from confidential *ex parte* to confidential (the ‘Request’).<sup>2</sup> It further indicated that, as noted in its submissions for the first status conference, ‘the Yekatom and Ngaïssona defences have now agreed that both teams should have access to each other’s detention-related pleadings in the case’ and, therefore, ‘would like to implement this process by having [...] [those filings] reclassified’.<sup>3</sup>
2. In light of the Request and mindful that, at the present stage of the proceedings, the basis for the initial classification of the filings on the case record may no longer exist, the Single Judge considers the undertaking of a review of all the *ex parte* filings on the case record necessary.
3. Accordingly, the Single Judge firstly instructs the Registry to put on the record by 1 May 2020 a list of the *ex parte* filings on the case record, including, for each filing, the document number, the source and who has access to it.<sup>4</sup>
4. Secondly, the Single Judge instructs the parties, the participants and the Registry to (i) undertake a review of their respective filings in this list; (ii) engage in *inter partes* consultations with the other parties and participants – and the Registry, where applicable – who have access to their respective filings for

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<sup>1</sup> Twelfth Registry Report on the Implementation of the Restrictions on Contact of Mr Alfred Yekatom Ordered by Pre-Trial Chamber II, 17 April 2020, ICC-01/14-01/18-481-Conf-Exp (confidential *ex parte*, only available to the Prosecution, the Yekatom Defence and the Registry); Decision on Mr Yekatom’s Restrictions on Contacts and Communications in Detention, 17 April 2020, ICC-01/14-01/18-485-Conf-Exp (confidential *ex parte*, only available to the Prosecution, the Yekatom Defence and the Registry).

<sup>2</sup> Email from the Yekatom Defence to the Chamber and the Prosecution, 20 April 2020, at 09:54.

<sup>3</sup> Email from the Yekatom Defence to the Chamber and the Prosecution, 20 April 2020, at 09:54. *See also* Yekatom Defence Submissions for First Status Conference, 8 April 2020, ICC-01/14-01/18-472 (with confidential Annex A), para. 57.

<sup>4</sup> *See* Regulation 24(4) of the Regulations of the Registry; Regulation 24bis(2) of the Regulations.

the purposes of resolving any issues; and (iii) provide confidential redacted versions of their respective filings (and public redacted versions, where possible), or, alternatively, apply to the Chamber for their reclassification.

5. Taking into account the special circumstances in the host State and the possible impact this has on the efficiency of the work of the parties and the participants, the Single Judge orders that this process be completed by 22 May 2020.
6. Thirdly, the Single Judge announces that he will subsequently undertake a review of the Pre-Trial Chamber II's and this Chamber's decisions and orders issued on the case, with a view to issuing confidential redacted, confidential or public redacted versions or, alternatively, ordering reclassification, where possible.

**FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY**

**INSTRUCTS** the Registry to put on the record a list of *ex parte* filings, as set out in paragraph 3 above, by 1 May 2020.

**INSTRUCTS** the parties, the participants and the Registry to undertake a review of their *ex parte* filings on the case record and comply with the process set out in paragraph 4 above, by 22 May 2020.

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



**Judge Bertram Schmitt**

**Single Judge**

Dated this 24 April 2020

At The Hague, The Netherlands