



Original: English

**No. ICC-01/14-01/18
Date: 22 May 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 provide a Preliminary Witness List

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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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 Articles 64(2), 64(3)(c), 67(1)(b) of the Rome Statute (the ‘Statute’) issues this ‘Order to provide a Preliminary Witness List’.

1. On 19 March 2020, the Chamber issued an order scheduling the first status conference pursuant to Rule 132(1) of the Rules for 21 April 2020 (the ‘Status Conference’).¹ Therein, it took note of the current state of public health in the host State and other countries as regards the Coronavirus disease pandemic (the ‘Coronavirus Pandemic’) and announced that it will take any future development into consideration.²
2. On 26 March 2020, the Chamber deferred the Status Conference, taking into account the continuing evolvement of the situation and measures taken in response by the Host State also affecting the functioning of the Court, with a view to, *inter alia*, enable the parties and participants to plan their work in the most efficient manner possible.³
3. While the Single Judge is mindful of the recent Prosecution submissions that may have a bearing on who it will call to testify,⁴ he has due regard to the accused’s right to a fair and expeditious trial and to have adequate time to prepare their defence. Therefore, to assist the parties and participants, and particularly the Defence, in the preparation for trial and to mitigate the delays caused by the Coronavirus Pandemic, the Single Judge considers a preliminary list of witnesses (the ‘Preliminary Witness List’) necessary in the present circumstances.
4. The Single Judge therefore directs the Office of the Prosecutor (the ‘Prosecution’) to file such list no later than 15 June 2020, indicating, at the very least:
 - i. The witnesses that it is already certain it will call to testify; and

¹ Order Scheduling First Status Conference, ICC-01/14-01/18-459.

² Order Scheduling First Status Conference, ICC-01/14-01/18-459, para. 1, n. 1.

³ Order Deferring the First Status Conference, ICC-01/14-01/18-464.

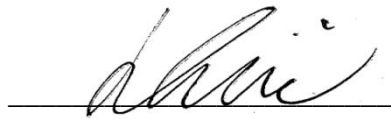
⁴ See Prosecution’s Observations on the Agenda of the First Status Conference, 8 April 2020, ICC-01/14-01/18-474-Conf (public redacted version notified on 24 April 2020, ICC-01/14-01/18-474-Red), paras 15-19; *see also* Prosecution Motion to Amend the Charges against Alfred Yekatom, 14 May 2020, ICC-01/14-01/18-518-Conf (with confidential *ex parte* annexes A-D, only available to the Prosecution).

- ii. The witnesses that it is certain not to call to testify, including but not limited to those excluded by virtue of the reduced scope of the charges following the confirmation of charges.
5. The Chamber reminds the Prosecution of its ongoing disclosure obligations under the Statute and the Rules, and stresses that the disclosure of evidence related to witnesses listed on the Preliminary Witness List must be affected immediately.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

DIRECTS the Prosecution to file the Preliminary Witness List no later than 15 June 2020.

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



Judge Bertram Schmitt

Single Judge

Dated 22 May 2020

At The Hague, The Netherlands