



Original: English

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

Date: 11 August 2020

**TRIAL CHAMBER V**

**Before:** Judge Bertram Schmitt, Presiding Judge  
Judge Péter Kovács  
Judge Chang-ho Chung

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II  
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-  
EDOUARD NGAÏSSONA***

**Public**

**Prosecution's Observations on the « *Demande de la Défense de Monsieur Yekatom  
afin que soit rendue une Ordonnance relativement à la coopération de l'Union  
Africaine* » (ICC-01/14-01/18-612)**

**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**

Ms Fatou Bensouda  
Mr James Stewart  
Mr Kweku Vanderpuye

**Counsel for Alfred Yekatom**

Ms Mylène Dimitri  
Mr Peter Robinson

**Counsel for Patrice-Edouard Ngaïssona**

Mr Geert-Jan Alexander Knoops

**Legal Representatives of Victims**

Mr Dmytro Suprun  
Mr Abdou Dangabo Moussa  
Ms Elisabeth Rabesandratana  
Mr Yaré Fall  
Ms Marie-Edith Douzima-Lawson  
Ms Paolina Massidda

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**States Representatives**

**Amicus Curiae**

---

---

**REGISTRY**

**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. OBSERVATIONS

1. The Office of the Prosecutor (“Prosecution”) provides its observations regarding YEKATOM’s request for Trial Chamber V (“Chamber”) to issue an order to obtain the cooperation of the African Union (“AU”) regarding the provision of certain documentation.<sup>1</sup>

2. Although the Prosecution defers to the Chamber’s discretion, should the Motion be granted, the Chamber should further direct that the AU provide any responsive material to the Parties and Participants equally. Doing so serves two important purposes. *First*, any parallel or sequential requests for the same or similar information to the provider and/or the Chamber by the Parties may be avoided, and the interests of judicial economy thereby preserved. *Second*, to the extent that the prospective information is pertinent to matters in controversy, bears upon the charged crimes, or otherwise relates to the acts or conduct of the Accused, providing the material to the Parties and Participants advances the Court’s statutory truth-seeking function.<sup>2</sup>




---

**Fatou Bensouda, Prosecutor**

Dated this 11<sup>th</sup> day of August 2020

At The Hague, The Netherlands

---

<sup>1</sup> ICC-01/14-01/18-612 (“Motion”); *see* ICC-01/14-01/18-612-Conf-AnxA.

<sup>2</sup> *See* article 69(3).