

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 12 May 2022

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
THE PROSECUTOR *v.* ALFRED YEKATOM AND
PATRICE-ÉDOUARD NGAÏSSONA**

Confidential

**Response of the Common Legal Representative of the Former Child Soldiers to
the "Prosecution's Request for the Appointment of Duty Counsel pursuant to
Rule 74"**

Source: Office of Public Counsel for Victims (CLR1)

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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Mr Kweku Vanderpuye

Counsel for Alfred Yekatom

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Legal Representatives of the Victims

Mr Dmytro Suprun

Legal Representatives of the Applicants

Mr Abdou Dangabo Moussa
Ms Marie Édith Douzima Lawson
Mr Yaré Fall
Ms Paolina Massidda
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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Section**

Mr Philipp Ambach

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I. PROCEDURAL HISTORY

1. On 9 May 2022, the Prosecution requested Trial Chamber V (the “Trial Chamber”) to direct the Registry to identify and appoint counsel as necessary pursuant to rule 74 of the Rules of Procedure and Evidence to advise witness P-2475 on self-incrimination, and to assign the Common Legal Representative of Victims to provide this advice with respect to the dual status witness P-2582 (the “Request”).¹

2. On the same date, the Trial Chamber shortened the deadline for the parties and participants to respond to the Request to 12 May 2022.²

3. On 11 May 2022, the Defence for Mr Yekatom filed a response to the Request.³

4. On the same date, the Defence for Mr Ngaïssona and the Common Legal Representatives of Victims of Other Crimes informed the Trial Chamber that they did not intend to respond to the Request.⁴

II. SUBMISSIONS

5. The Common Legal Representative of the Former Child Soldiers (the “Legal Representative”) hereby submits his response to the Request,⁵ insofar as it concerns the dual status individual P-2582.

6. In accordance with the Initial Directions, “[u]nless otherwise ordered by the Chamber, the CLRV shall provide [...] advice for dual-status witnesses [who may be at risk

¹ See the “Prosecution’s Request for the Appointment of Duty Counsel pursuant to Rule 74”, [No. ICC-01/14-01/18-1398-Conf](#), 9 May 2022 (the “Request”), paras. 1 and 10.

² See the Email correspondence from the Trial Chamber to the parties and participants on 9 May 2022 at 18:37.

³ See the “Yekatom Defence Response to ‘Prosecution’s Request for the Appointment of Duty Counsel pursuant to Rule 74’ (ICC-01/14-01/18-1398-Conf)”, [No. ICC-01/14-01/18-1401-Conf](#), 11 May 2022.

⁴ See the Email correspondence from the Ngaïssona Defence to the Trial Chamber on 11 May 2022 at 09:47. See also the Email correspondence from the Common Legal Representatives of Victims of Other Crimes to the Trial Chamber on 11 May 2022 at 15:22.

⁵ See the Request, *supra* note 1.

of incriminating themselves during their testimony]”.⁶ The Legal Representative submits that he is best placed to provide to his client, dual status individual P-2582, legal advice regarding the risk of her self-incriminating on account of her testimony, and informs the Trial Chamber that he is available to do so accordingly.

III. CLASSIFICATION

7. Pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, this response is filed confidentially to correspond to the classification of the Request. However, since this response does not contain any confidential information, the Legal Representative is of the view that it can be reclassified as public.

RESPECTFULLY SUBMITTED



Dmytro Suprun
Common Legal Representative of the Former Child Soldiers

Dated this 12th Day of May 2022

At The Hague, The Netherlands

⁶ See the “Initial Directions on the Conduct of the Proceedings”, [No. ICC-01/14-01/18-631](#), 26 August 2020, para. 38.