



Original: English

**No. ICC-01/14-01/18
Date: 18 December 2018**

PRE-TRIAL CHAMBER II

Before: Judge Tomoko Akane, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *THE PROSECUTOR V. ALFRED YEKATOM***

PUBLIC

Order to Conduct a French Language Proficiency Assessment of Alfred Yekatom

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

Counsel for the Defence

Stéphane Bourgon

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Language Services Section
Alexandra Tomic

JUDGE TOMOKO AKANE, acting on behalf of Pre-Trial Chamber II (the “Chamber”) of the International Criminal Court (the “Court” or “ICC”),¹ issues this decision ordering an assessment of Alfred Yekatom’s proficiency in French.

1. On 11 November 2018, the Chamber issued a warrant of arrest against Alfred Yekatom (“Yekatom”),² who was surrendered to the Court on 17 November 2018.

2. On 23 November 2018, Yekatom appeared before the Chamber and stated to speak Sango “perfectly” while his French “is not very good”.³ The confirmation hearing was scheduled to commence on Tuesday, 30 April 2019.⁴

3. On 17 December 2018, the Prosecutor submitted the “Prosecution’s Request for an Order on YEKATOM’s French Proficiency Level” (the “Request”) in which she requests the Chamber to “find YEKATOM fluent in French for the purposes of the Statute, Rules and Regulations”,⁵ “if the Chamber is unable to make such determination on the evidence and information referenced in [the] Request, direct the Registry to assess YEKATOM’s level of French proficiency”.⁶ Alternatively, in case the Chamber finds that Yekatom does not fully speak and understand French within the meaning of the statutory framework, the Prosecutor requests that “only such translation and/or interpretation be provided to YEKATOM as necessary for him to understand the case or charges against him, in view of his assessed level of French proficiency”.⁷

4. The Single Judge notes articles 67(1)(a) and (f) of the Rome Statute (the “Statute”) and rule 76(3) of the Rules of Procedure and Evidence.

¹ Pre-Trial Chamber II, Decision designating a Single Judge, 6 December 2018, ICC-01/14-01/18-27.

² Pre-Trial Chamber II, “Warrant of Arrest for Alfred Yekatom”, 11 November 2018, ICC-01/14-01/18-1-US-Exp. A public redacted version of the warrant was issued on 17 November 2018, *see* ICC-01/14-01/18-1-Red.

³ Pre-Trial Chamber II, Transcript of Hearing, ICC-01/14-01/18-T-1-ENG ET, p. 6, lines 20-21.

⁴ Pre-Trial Chamber II, Transcript of Hearing, ICC-01/14-01/18-T-1-ENG ET, p. 8, lines 20-25.

⁵ ICC-01/14-01/18-34, paras 1, 3-7 and 25.

⁶ ICC-01/14-01/18-34, paras 1, 8-9 and 25.

⁷ ICC-01/14-01/18-34, paras 2, 10-24 and 25.

5. Prior to determining whether Yekatom fully understands and speaks French within the meaning of article 67(1)(a) of the Statute,⁸ the Single Judge deems it necessary to receive a report of the Registry's Language Services Section on the French language proficiency of Yekatom, as it was done in other cases in the past. This preliminary step is taken without prejudice to any observations of the Defence and the subsequent final determination by the Chamber on this matter. Considering that this matter may have an impact on the disclosure obligations of the parties and the disclosure calendar, the Single Judge is of the view that the matter must be resolved as soon as possible. Hence, the Single Judge orders the Registry to conduct a language proficiency assessment and submit a report to the Chamber no later than Friday, 28 December 2019. The Prosecutor and the Defence will have the possibility to make observations to the Registry's report until no later than Monday, 7 January 2019. In its observations, the Defence may also include its response to the Request.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

- a) **ORDERS** the Registry's Language Services Section to conduct a French language proficiency assessment of Yekatom and submit a report to the Chamber no later than Friday, 28 December 2018;
- b) **ORDERS** Yekatom to cooperate with the Registry in conducting said assessment;
- c) **ORDERS** the Prosecutor and the Defence to provide their observations on the Registry report, if they so wish, until Monday, 7 January 2019; and
- d) **ORDERS** the Defence to include in its observations to the Registry report also its response to the Request.

⁸ Appeals Chamber, *Prosecutor v Germain Katanga*, Judgment on the appeal of Mr. Germain Katanga against the decision of Pre-Trial Chamber I entitled "Decision on the Defence Request Concerning Languages", 27 May 2008, ICC-01/14-01/07-522, paras 61-62.

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



Judge Tomoko Akane, Single Judge

Dated this Tuesday, 18 December 2018

At The Hague, The Netherlands