



**Original: English**

**No. ICC-01/14-02/18  
Date: 28 January 2019**

**PRE-TRIAL CHAMBER II**

**Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge  
Judge Tomoko Akane  
Judge Rosario Salvatore Aitala**

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II  
IN THE CASE OF *THE PROSECUTOR V. PATRICE-EDOUARD NGAÏSSONA***

**Public**

Order seeking observations on the feasibility of joining the cases against Alfred  
Yekatom and Patrice-Edouard Ngaissona

**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 Alfred Yekatom**  
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*

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**REGISTRY**

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**Registrar**  
Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**PRE-TRIAL CHAMBER II** (the “Chamber”) of the International Criminal Court issues this order seeking observations on the feasibility of joining the cases against Alfred Yekatom and Patrice-Edouard Ngaïssona.

1. On 11 November 2018, the Chamber issued a warrant of arrest for Alfred Yekatom (“Yekatom”) for his alleged criminal responsibility pursuant to articles 25(3)(a), (b) and (c), as well as 28(a) of the Rome Statute (the “Statute”), for crimes against humanity and war crimes committed in various locations in the Central African Republic, between 5 December 2013 and August 2014.<sup>1</sup>

2. On 7 December 2018, the Chamber issued a warrant of Arrest for Patrice-Edouard Ngaïssona (“Ngaïssona”) for his alleged criminal responsibility pursuant to article 25(3)(a) and (c) of the Statute for crimes against humanity and war crimes committed in various locations in the Central African Republic, between at least 5 December 2013 and at least December 2014.<sup>2</sup>

3. On 23 November 2018, Yekatom appeared before the Chamber and the confirmation hearing was scheduled to commence on Tuesday, 30 April 2019.<sup>3</sup> On 25 January 2019, Ngaïssona appeared before the Chamber and the confirmation hearing was scheduled to commence on 18 June 2019.

4. The Chamber notes article 64(5) of the Statute, rule 136 (1) of the Rules of Procedure and Evidence (the “Rules”) and regulation 28(2) of the Regulations of the Court. Article 64(5) of the Statute provides that there may be joinder or severance in respect of charges against more than one accused upon notice to the parties.<sup>4</sup> Rule 136 of the Rules provides that persons accused jointly shall be tried together. Therefore, the Chamber deems it appropriate to seek observations from the Prosecutor and the respective Defence teams on the matter.

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<sup>1</sup> Pre-Trial Chamber II, Warrant of Arrest for Alfred Yekatom, 11 November 2018, ICC-01/14-01/18-1-Conf-Exp; a public redacted version was registered on 17 November 2018, ICC-01/14-01/18-1-Red.

<sup>2</sup> Pre-Trial Chamber II, Warrant of Arrest for Patrice-Edouard Ngaïssona, 7 December 2018, ICC-01/14-02/18-2-US-Exp; a public redacted version was registered on 13 December 2018, ICC-01/14-02/18-2-Red.

<sup>3</sup> Pre-Trial Chamber II, Transcript of Hearing, ICC-01/14-01/18-T-1-ENG ET, p. 8, lines 20-25.

<sup>4</sup> The Appeals Chamber confirmed that cases may be joined at the pre-trial stage, *see Appeals Chamber, Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui*, Judgment on the Appeal Against the Decision on Joinder rendered on 10 May 2008 by the Pre-Trial Chamber in the German Katanga and Mathieu Ngudjolo Chui Cases, 9 June 2008, ICC-01/14-01/07-573, para. 9.

**FOR THESE REASONS, THE CHAMBER HEREBY**

- a) **ORDERS** the Prosecutor to provide observations, as set forth in paragraph 4 above, by no later than Monday, 4 February 2019.
- b) **ORDERS** the Defence of Yekatom and the Defence of Ngaissona to provide their respective observations and/or responses to the Prosecutor's observations by no later than Monday, 11 February 2019.

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



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**Judge Antoine Kesia-Mbe Mindua**  
**Presiding Judge**



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**Judge Tomoko Akane**



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**Judge Rosario Salvatore Aitala**

Dated this Monday, 28<sup>th</sup> January 2019

At The Hague, The Netherlands