



Original: English

**No. ICC-01/14-01/18
Date: 10 September 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. ALFRED YEKATOM
AND PATRICE-EDOUARD NGAÏSSONA***

Public

Order Setting the Schedule for the Confirmation of Charges Hearing

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart

Counsel for Alfred Yekatom

Mylène Dimitri
Peter Robinson

Counsel for Patrice-Edouard Ngaïssona

Geert-Jan Alexander Knoops

Legal Representatives of Victims

Abdou Dangabo Moussa
Elisabeth Rabesandratana
Yaré Fall
Marie-Edith Douzima-Lawson
Christine Priso Ouamballo
Paolina Massidda

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
for Participation/Reparations**

**The Office of Public Counsel
for Victims**

Dmytro Suprun

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Nigel Verill

Detention Section

**Victims Participation and
Reparations Section**

Other

PRE-TRIAL CHAMBER II of the International Criminal Court issues this Order Setting the Schedule for the Confirmation of Charges Hearing.

1. On 11 November 2018, the Chamber issued the ‘Warrant of Arrest for Alfred Yekatom’,¹ who was surrendered to the Court by the authorities of the Central African Republic on 17 November 2018.
2. On 7 December 2018, the Chamber issued the ‘Warrant of Arrest for Patrice-Edouard Ngaïssona’,² who was surrendered to the Court by the authorities of the French Republic on 23 January 2019.
3. On 23 January 2019, the Single Judge issued the ‘Decision on Disclosure and Related Matters’ (the ‘Disclosure Decision’).³
4. On 20 February 2019, the Chamber issued the ‘Decision on the joinder of the cases against Alfred Yekatom and Patrice-Edouard Ngaïssona and other related matters’, thereby joining the cases against Yekatom and Ngaïssona.⁴
5. On 4 April 2019, the Chamber issued the ‘Second Decision on Disclosure and Related Matters’ (the ‘Second Disclosure Decision’) thereby deciding, *inter alia*, that the Disclosure Decision was applicable to the joint case, as modified by the Second Disclosure Decision.⁵
6. On 15 May 2019, the Chamber issued the ‘Decision on the “Prosecution’s Request to Postpone the Confirmation Hearing and all Related Disclosure Deadlines”’, determining that the confirmation of charges hearing (the ‘Confirmation Hearing’) in the present case shall commence on 19 September 2019.⁶
7. On 3 September 2019, the Chamber sought the observations of the parties and participants in relation to the organisation of the Confirmation Hearing.⁷

¹ ICC-01/14-01/18-1-Conf-Exp. A public redacted version is also available, see [ICC-01/14-01/18-1-Red.](#)

² ICC-01/14-01/18-89-Conf-Exp. A public redacted version is also available, see [ICC-01/14-01/18-89-Red.](#)

³ ICC-01/14-01/18-64-Conf (a public redacted version is also available, see [ICC-01/14-01/18-64-Red.](#)).

⁴ [ICC-01/14-01/18-87](#); [ICC-01/14-01/18-121](#).

⁵ [ICC-01/14-01/18-163](#).

⁶ [ICC-01/14-01/18-199](#).

⁷ Email from Pre-Trial Chamber II to the parties and participants, sent on 3 September 2019, at 11.28.

8. On 5 September 2019, the parties and participants submitted joint observations on the organisation of the Confirmation Hearing.⁸

9. The Chamber recalls article 61 of the Rome Statute, rule 122 of the Rules of Procedure and Evidence (the 'Rules'), and regulations 37(1) and 64(1) of the Regulations of the Registry.

10. The Chamber recalls the principle of fairness which encompasses the notion of equality of arms and requires that the parties be placed on equal footing, and that the Defence should have the last word, as prescribed under rule 122(8) of the Rules.

11. The Chamber further notes the second sentence of rule 122(1) of the Rules, which states that:

The presiding Judge shall determine how the hearing is to be conducted and, in particular, may establish the order and the conditions under which he or she intends the evidence contained in the record of the proceedings to be presented.

12. The Chamber notes the joint observations of the parties and participants.

13. The Chamber underlines that, in light of the the principle of expeditiousness and to ensure the efficiency of the proceedings, the oral submissions of the parties and participants must be concise in nature, and repetition should be avoided. In light of this, and upon consideration of the observations of the parties and participants, the Chamber hereby grants the following time for oral presentations:

- The parties and participants are granted 1 session of 1.5 hours in total for any Rule 122 observations and any response thereto;
- The Prosecutor is granted 6 hours, within which time she is expected to put forward her submissions concerning both suspects;
- The Yekatom Defence and the Ngaïssona Defence are granted 6 hours each;
- The Legal Representatives of the Victims of Other Crimes and the Common Legal Representative of the Former Child Soldiers (jointly, the 'Legal Representatives') are together granted 3 hours in total;

⁸ Email received by the Pre-Trial Chamber II from Kweku Vanderpuye, Prosecution, at 17.24 on 5 September 2019.

- The Chamber grants 1 hour each to the Prosecutor, the Yekatom Defence, and the Ngaïssona Defence for their respective final statements; and
- The Chamber grants 1.5 hours to the Legal Representatives, in total, for their final statements.

14. As regards Rule 122 observations, the Chamber encourages the parties and participants to provide their submissions to the Chamber in writing in advance of the hearing, by no later than 16.00 on 16 September 2019.

15. The Chamber has determined that the Confirmation Hearing will commence on the morning of Thursday, 19 September 2019, and will be organised as follows:

Thursday, 19 September 2019

First Session: 9.30 to 11.00

- i. After the opening of the hearing by the Judges, the charges shall be read out pursuant to rule 122(1) of the Rules.
- ii. The Parties and Participants shall present observations pursuant to Rule 122, and responses thereto.

Second Session: 11.30 to 13.30

- iii. The Parties and Participants shall conclude any observations pursuant to Rule 122, and responses thereto.
- iv. The Prosecutor will commence her oral submissions.

Third Session: 15.00 to 17.00

- v. The Prosecutor will continue to present her oral submissions.

Friday, 20 September 2019

First Session: 9.30 to 11.00

- i. The Prosecutor will continue to present her oral submissions.

Second Session: 11.30 to 13.00

- ii. The Prosecutor will conclude her oral submissions.
- iii. The Legal Representatives shall commence their oral submissions.

Third Session: 14.30 to 16.00

- iv. The Legal Representatives will continue to present their oral submissions.

Monday, 23 September 2019First Session: 9.30 to 11.00

- i. The Legal Representatives will conclude their oral submissions.
- ii. The Yekatom Defence shall commence their oral submissions.

Second Session: 11.30 to 13.30

- iii. The Yekatom Defence will continue to present their oral submissions.

Third Session: 15.00 to 17.00

- iv. The Yekatom Defence will continue to present their oral submissions.

Tuesday, 24 September 2019First Session: 9.30 to 11.00

- i. The Yekatom Defence will conclude their oral submissions.

Second Session: 11.30 to 13.30

- ii. The Ngaïssona Defence will commence their oral submissions.

Third Session: 15.00 to 17.00

- iii. The Ngaïssona Defence will continue their oral submissions.

Wednesday, 25 September 2019First Session: 9.30 to 11.00

- i. The Ngaïssona Defence will continue their oral submissions.

Second Session: 11.30 to 13.30

- ii. The Ngaïssona Defence will conclude their oral submissions.
- iii. The Judges will pose questions to the parties and participants.

Third Session: 15.00 to 17.00

- iv. The afternoon session is reserved in the calendar in the event that any further time is required.

Thursday, 26 September 2019

This day is reserved in the calendar in the event that any further time is required.

Friday, 27 September 2019

First Session: 9.30 to 11.00

- i. The Prosecutor shall make her closing statements.
- ii. The Legal Representatives shall commence their closing statements.

Second Session: 11.30 to 13.30

- iii. The Legal Representatives shall conclude their closing statements.
- iv. The Yekatom Defence shall make their closing statements.

Third Session: 15.00 to 16.00

- v. The Ngaïssona Defence shall make their closing statements.

16. The Chamber underlines that for the sake of efficiency, in the event that a party or participant does not fully use the time allotted to it in the schedule, the Chamber will automatically move to the next presentation, even if that presentation is scheduled for the following day. Thus, the Chamber expects the parties and participants to be flexible and fully prepared to present their submissions at any time. In the event that the parties wish to use audio or video material, the Chamber expects that they will liaise with the Registry ahead of time. Finally, the Chamber notes that the schedule for the Confirmation Hearing is subject to change if warranted by developments in the proceedings.

FOR THESE REASONS, THE CHAMBER HEREBY

ESTABLISHES the schedule of the Confirmation Hearing, as set out in the present decision; and

INSTRUCTS the parties and participants to provide any Rule 122 submissions to the Chamber in writing by no later than 16.00 on 16 September 2019.


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



Judge Antoine Kesia-Mbe Mindua,
Presiding Judge



Judge Tomoko Akane



Judge Rosario Salvatore Aitala

Dated this Tuesday, 10 September 2019

At The Hague, The Netherlands