



**Original: English**

**No. ICC-01/14-01/18  
Date: 20 June 2024**

**TRIAL CHAMBER V**

**Before: Judge Bertram Schmitt, Single Judge**

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II**

**IN THE CASE OF  
*THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD  
NGAISSONA***

**Public**

**Decision on the Ngaïssona Defence Request for the Appointment of Duty Counsel**

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

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**REGISTRY**

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**Detention Section**

**Victims Participation and Reparations  
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**Other**

**Judge Bertram Schmitt**, acting as Single Judge on behalf of Trial Chamber V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Rule 74 of the Rules of Procedure and Evidence (the ‘Rules’) and Regulation 73 of the Regulations of the Court, issues this ‘Decision on the Ngaïssona Defence Request for the Appointment of Duty Counsel’.

1. On 26 August 2020, in his Initial Directions on the Conduct of the Proceedings (the ‘Initial Directions’), the Presiding Judge, *inter alia*, indicated that the calling participant shall, where foreseeable, give notice about potential requests under Rule 74 of the Rules in the Final Witness List provided to the other participants and the Chamber.<sup>1</sup>
2. On 17 November 2023, the Ngaïssona Defence filed its Final Witness List, indicating that it would request the use of Rule 74 of the Rules for D30-4914.<sup>2</sup>
3. On 13 June 2024, the Ngaïssona Defence requested the Chamber to direct the Registry to identify and appoint, as necessary, qualified counsel to advise witness D30-4914 on issues of self-incrimination pursuant to Rules 74(9) and (10) of the Rules (the ‘Request’).<sup>3</sup>
4. On the same day, the Yekatom Defence informed the Chamber that it does not intend to file a response and defers to the latter’s discretion.<sup>4</sup>
5. On 20 June 2024, the Office of the Prosecutor informed the Chamber that it defers to the latter’s discretion.<sup>5</sup>
6. The Single Judge recalls that the Registry shall make all necessary arrangements to provide independent legal advice to witnesses who may be at risk of incriminating themselves during their testimony.<sup>6</sup>

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<sup>1</sup> Initial Directions, ICC-01/14-01/18-631, para. 37.

<sup>2</sup> See Annex 1 to the Defence Submission of its Final List of Witnesses and its List of Evidence, ICC-01/14-01/18-2215-Conf-Anx1, p. 4. See also Further Directions on the Conduct of the Proceedings (Presentation of Evidence by the CLRV and the Defence), 29 May 2023, ICC-01/14-01/18-1892, para. 21(i).

<sup>3</sup> Ngaïssona Defence’s Request for the Appointment of Duty Counsel pursuant to Rule 74, ICC-01/14-01/18-2531-Conf, paras 1, 4-9.

<sup>4</sup> Email from the Yekatom Defence, 13 June 2024, at 17:23.

<sup>5</sup> Email from the Prosecution, 20 June 2024, at 09:07.

<sup>6</sup> Initial Directions, ICC-01/14-01/18-631, para. 38.

7. The Single Judge notes that D30-4914 is currently expected to start testifying before the Chamber on 9 July 2024, pursuant to Rule 68(3) of the Rules.<sup>7</sup> Accordingly, he directs the Registry to appoint counsel to advise D30-4914 in line with the Initial Directions regarding issues of self-incrimination that may arise during his testimony.<sup>8</sup>
8. The present decision is without prejudice to the Chamber's assessment of whether assurances pursuant to Rule 74 of the Rules will be granted.

**FOR THESE REASONS, THE SINGLE JUDGE HEREBY**

**DIRECTS** the Registry to appoint duty counsel for D30-4914, as set out in paragraph 7 above; and

**ORDERS** the Ngaissona Defence to file a public redacted version of the Request, ICC-01/14-01/18-2531-Conf, within one week of notification of this decision.

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



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**Judge Bertram Schmitt**  
**Single Judge**

Dated 20 June 2024

At The Hague, The Netherlands

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<sup>7</sup> See email from the Ngaissona Defence, 3 June 2024, at 13:07. See also Decision on the Ngaissona Defence Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(3) of the Rules concerning Witnesses D30-4914 and D30-4197, 4 April 2024, ICC-01/14-01/18-2435-Conf, p. 14.

<sup>8</sup> Initial Directions, ICC-01/14-01/18-631, para. 39.