

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/14-01/18
Date: 7 September 2023

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**

Public

**With Confidential *Ex Parte* Annex 1
available only to the CLR1 and Yekatom Defence**

**Common Legal Representative of the Former Child Soldiers Communication of
the Disclosure of Evidence on 7 September 2023**

Source: Office of Public Counsel for Victims (CLRV1)

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 Dmytro Suprun

Legal Representatives of the Applicants

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
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Ms Paolina Massidda
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Defence**

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Mr Nigel Verrill

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Section**

Other

I. NOTIFICATION

1. The Common Legal Representative of the Former Child Soldiers (the “Legal Representative”) submits this Communication Report regarding the disclosure of evidence.

II. CONFIDENTIALITY

2. Annex 1 to the present submission is classified confidential *ex parte* available only to the CLR1 and the Defence of Mr Yekatom (the “Yekatom Defence”), since it relates to evidence disclosed on an *ex parte* basis.

III. DISCLOSURE OF EVIDENCE

3. In its “Further Directions on the Conduct of the Proceedings (Presentation of Evidence by the CLRV and the Defence)” dated 29 May 2023,¹ Trial Chamber V (the “Chamber”) directed the Common Legal Representatives of Victims (the “CLRV”) to disclose any evidence they intend to rely on during their presentation of evidence, should leave to do so be granted, by 18 August 2023.²

4. By its “Decision on the Common Legal Representatives of Victims Requests for Leave to Present Evidence and Further Order on the Remainder of the Prosecution Presentation of Evidence” dated 3 August 2023,³ the Chamber authorised the Legal Representative to call victims a/20722/21 and a/65991/19 as witnesses.⁴

¹ See the “Further Directions on the Conduct of the Proceedings (Presentation of Evidence by the CLRV and the Defence)” (Trial Chamber V), [No. ICC-01/14-01/18-1892](#), 29 May 2023.

² *Idem*, para. 12.

³ See the “Decision on the Common Legal Representatives of Victims Requests for Leave to Present Evidence and Further Order on the Remainder of the Prosecution Presentation of Evidence” (Trial Chamber V), [No. ICC-01/14-01/18-2016-Conf](#), 3 August 2023.

⁴ *Idem*, p. 22.

5. On 31 August 2023, the Yekatom Defence requested the Chamber an order for disclosure of photographs of victims a/20722/21 and a/65991/19 from the Legal Representative on an urgent basis.⁵

6. On 1 September 2023, the Legal Representative submitted his response.⁶

7. On 5 September 2023, the Chamber granted the request of the Yekatom Defence and ordered the Legal Representative to disclose the photographs of victims a/20722/21 and a/65991/19 as soon as possible, and no later than 6 September 2023, COB.⁷

8. On 6 September 2023, the Legal Representative provided the Yekatom Defence with a courtesy copy of the photographs of victims a/20722/21 and a/65991/19 along with the relevant metadata.⁸

9. On 7 September 2023, the Legal Representative disclosed to the Yekatom Defence V45 Disclosure package 3 – confidential *ex parte* available only to the CLR1 and Yekatom Defence – containing the two photographs of victims a/20722/21 and a/65991/19 as well as the relevant metadata. These items are listed in the Confidential *Ex Parte* Annex 1 available only to the CLR1 and Yekatom Defence.

⁵ See the Email correspondence from the Yekatom Defence dated 31 August 2023 at 11:41.

⁶ See the Email correspondence from the CLR1 dated 1 September at 11:34.

⁷ See the Email correspondence from the Trial Chamber V dated 5 September at 11:38.

⁸ See the Email correspondence from the CLR1 dated 6 September at 14:29 and the following *corrigendum* dated 6 September at 15:20.

A handwritten signature in black ink, appearing to read 'Dmytro Suprun', with a long vertical stroke extending downwards from the bottom of the signature.

Dmytro Suprun
Common Legal Representative of the Former Child Soldiers

Dated this 7th Day of September 2023
At The Hague, The Netherlands