

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/14-01/18**

Date: **15 February 2024**

**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 ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

**Public**

**Yekatom Defence Reply to the “Prosecution’s Response to Yekatom  
Defence Request for the Introduction of CAR-D29- P-5010’s recorded  
testimony pursuant to Rule 68(2) of the Rules”, ICC-01/14-01/18-2341-Conf**

**Source:** Defence for Mr. Alfred Rombhot Yekatom

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

**The Office of the Prosecutor**

Mr Karim Asad Ahmad Khan  
Mr Mame Mandiaye Niang  
Mr Kweku Vanderpuye

**Counsel for Mr. Yekatom**

Ms Mylène Dimitri  
Ms Anta Guissé  
Ms Sarah Bafadhel  
Mr Thomas Hannis  
Mr Florent Pages Granier  
**Counsel for Mr. Ngaïssona**  
Mr Geert-Jan Alexander Knoops  
Ms Marie-Hélène Proulx  
Mr Richard Omissé-Namkeamaï

**Legal Representatives of Victims**

Mr Dmytro Suprun

**Legal Representatives of Applicants**

Mr Abdou Dangabo Moussa  
Ms Elisabeth Rabesandratana  
Mr Yaré Fall  
Ms Marie-Edith Douzima-Lawson  
Ms Paolina Massidda

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation / Reparation)**

**The Office of Public Counsel for  
Victims**

**The Office of Public Counsel for the  
Defence**  
Ms Marie O'Leary

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

## **SUBMISSIONS**

1. Counsel for Mr. Alfred Rombhot Yekatom ("Defence") hereby replies to the "Prosecution's Response to Yekatom Defence Request for the Introduction of CAR-D29- P-5010's recorded testimony pursuant to Rule 68(2) of the Rules" notified on 1 February 2024 ("Prosecution's Response").
2. This limited reply is done in accordance with the Chamber's instructions provided on 12 February 2024 in its "Decision on the Yekatom Defence Request for Leave to Reply to the Prosecution Response to the Request for the Introduction of D29-5010's Prior Recorded Testimony pursuant to Rule 68(2) of the Rules".<sup>1</sup> In this decision, the Chamber authorized the Defence to reply to the following issue of the Prosecution's Response :

the Prosecution's allegation that the Defence is withholding the disclosure of statements provided by D29-5010, arguing that it is founded on a flawed misinterpretation of D29-5010's interview and that it is a serious allegation against the professional obligations of the Defence.<sup>2</sup>

3. The present reply is made necessary in light of the erroneous allegation that the Defence is in violation of the Chamber's order to disclose prepared or formalised statements which are in its possession ('Order') with regard to D29-P-5010.<sup>3</sup>
4. The Defence again clarifies on the record that it has fulfilled its disclosure obligations within the statutory framework and in compliance with the Chamber's Order and Further Directions,<sup>4</sup> and that it is not in possession of a signed and acknowledged witness statement from P-5010.

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<sup>1</sup> ICC-01/14-01/18-2354.

<sup>2</sup> ICC-01/14-01/18-2354, paras 3 & 6.

<sup>3</sup> ICC-01/14-01/18-2341-Conf, para. 10. See also ICC-01/14-01/18-2242, paras 8 – 10.

<sup>4</sup> ICC-01/14-01/18-1892 and ICC-01/14-01/18-2242.

5. Contrary to the assertions currently put forward on the record by the Prosecution, P-5010 did not 'unequivocally' assert that he had provided statements to the Defence.<sup>5</sup>
6. It is apparent from P-5010's answer that there was some ambiguity with regard to the witness' use of the word 'statement' given that he indicated having met the Defence in total three times before his interview the Prosecution,<sup>6</sup> while also indicating that in total he gave three statements to the Defence;<sup>7</sup> hence making a direct link with his assessment that talking with the Defence was the same as providing a 'formal' statement.
7. Accordingly, the Defence appreciates this opportunity to correct the public record and reiterate through this Reply that it is not in possession of any signed and acknowledged witness statement from P-5010.

**RESPECTFULLY SUBMITTED ON THIS 15<sup>th</sup> DAY OF FEBRUARY 2024**



Me Mylène Dimitri  
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands

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<sup>5</sup> ICC-01/14-01/18-2341-Conf, para. 10.

<sup>6</sup> CAR-D29-0009-0613 at 0618, lines 9-10 : THE WITNESS: (Interpretation) I met with Yekatom's Defence, this is the fourth time now.

<sup>7</sup> CAR-D29-0009-0613 at 0618, lines 18-19 : MR VANDERPUYE: How many statements did you give? THE WITNESS: (Interpretation) I gave three statements.