

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 19 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***

**Confidential**

**Yekatom Defence Response to the Ngaïssona Request for the Submission  
of Expert Report pursuant to Rule 68(3), ICC-01/14-01/18-2351-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  
Mr Thomas Hannis  
Ms Anta Guissé  
Ms Sarah Bafadhel

**Counsel for Mr. Ngaïssona**

Mr Geert-Jan Alexander Knoops  
Ms Marie-Hélène Proulx

**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**

1. Counsel for Mr Alfred Rombhot Yekatom ("Defence") hereby responds to the Defence of Mr Patrice-Edouard Ngaïssona's "Request for the Submission of Expert Report pursuant to Rule 68(3)" notified on 8 February 2024 ("Ngaïssona Request").<sup>1</sup>
2. The Defence defers to Trial Chamber V's ("Chamber") discretion as to whether to grant the Ngaïssona Request and submit the report of P-4885 pursuant to Rule 68(3) of the Rule of Procedure and Evidence.
3. However, mindful of the "Prosecution's Response to the Ngaïssona Request for the Submission of Expert Report pursuant to Rule 68(3)",<sup>2</sup> the Defence clarifies that it was not in attendance and is not currently privy to the content of the interview conducted between the Prosecution and P-4885 in the presence of the Ngaïssona Defence in accordance with the Contact Protocol ("Prosecution Interview").<sup>3</sup> The Defence therefore reserves its right to respond to the procedural basis and merits of the Prosecution's request for the introduction of the Prosecution Interview pursuant to Rule 68(3) ("Prosecution's Request") within the statutory timeframe following disclosure of the audio recording and/or transcript of the Prosecution Interview.<sup>4</sup>
4. In this regard, the Defence concurs with the Ngaïssona Defence in that the Prosecution's Request amounts to a distinct request for the introduction of a prior recorded testimony pursuant to Rule 68(3) of the Rules of Procedure and Evidence,<sup>5</sup> and that further, its position will not delay or prejudice other parties noting that the Trial Chamber must also be provided with the audio recording and/or transcript in order to determine the Prosecution's Request.

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<sup>1</sup> ICC-01/14-01/18-2351-Conf.

<sup>2</sup> ICC-01/14-01/18-2361-Conf

<sup>3</sup> Prosecution's , paras 9 to 13.

<sup>4</sup> As per Regulation 34 of the Regulations of the Court.

<sup>5</sup> Email from Ngaïssona Defence to Trial Chamber V dated 16 February 2024 at 11.43; Email from Trial Chamber V to Ngaïssona Defence dated 19 February 2024 at 14:20.

### **CONFIDENTIALITY**

5. The present response is filed on a confidential basis corresponding to the classification of the Request. The Defence does not oppose the reclassification of its response as public.

### **RELIEF SOUGHT**

6. Subject to the above observations, the Defence respectfully defers to the Chamber discretion in determining the Ngaïssona Request and reserves its right to respond to the Prosecution's Request pending disclosure of the Prosecution Interview.

**RESPECTFULLY SUBMITTED ON THIS 19<sup>th</sup> DAY OF FEBRUARY 2024<sup>6</sup>**



Me Mylène Dimitri  
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands

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<sup>6</sup> The Defence is grateful for Legal Intern Ms Lison Grunhut's assistance in the drafting of this response.