

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **1 March 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 notice of information on prospective Bar Table
Applications pursuant to ICC-01/14-01/18-2342**

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

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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

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Amicus Curiae

REGISTRY

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Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

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**Victims Participation and Reparations
Section**

1. Pursuant to Trial Chamber V's ("Chamber") directions,¹ the Yekatom Defence ("Defence") hereby informs the Chamber and participants of its prospective bar table applications.
2. The Yekatom Defence intends to file the following bar table applications :
 - Items concerning the fabrication of evidence²: 278 items (146 items of Facebook material obtained from the Irish authorities including 72 items totalling 867 pages of Facebook activity, 63 audios totalling approximately 46 minutes and 11 items totalling 164 pages of metadata; 17 Prosecution investigation reports totalling 24 pages; 16 TikTok videos totalling approximately 4 minutes and 30 seconds and 7 items totalling 7 pages of other TikTok material; 20 open source Facebook material totalling 41 pages; 3 items totalling 20 pages of WhatsApp material; 19 photographs totalling 21 pages; 49 items totalling 97 pages related to the age of individuals involved in the fabrication of evidence allegations; 1 email communication totalling 1 page).
 - Call Data Records: 20 items (18 Call Data Records, 1 correspondence, and 1 forensic record, totalling 1442 pages).³
 - Audio / Video and photographic material: 54 audio/video items totalling approximately 204 minutes with corresponding transcripts and translations, 17 items totalling 34 pages of metadata, and 129 photographs (totalling 131 pages).

¹ ICC-01/14-01/18-2342, para. 6 : [...] In addition, and in the interests of fairness and judicial economy, the Defence is directed to inform the Chamber and participants of the following details about any such prospective requests by 1 March 2024: (i) the expected number of applications; (ii) their subject-matter; (iii) their volume (for example, the number of pages, and/or duration in case of audio/visual material); and (iv) the anticipated timelines.

² Pending the Chamber's decision on the Defence's Request for the Exclusion of Fabricated Evidence (ICC-01/14-01/18-2240-Conf), on the First Defence Request for the Formal Submission of Prior Recorded Testimony pursuant to Rule 68(2)(b) (ICC-01/14-01/18-2213-Conf) and on the Common Legal Representative of the Former Child Soldiers for leave to submit into evidence material from the "bar table" (ICC-01/14-01/18-2222-Conf), the Defence will adjust the number of items tendered through this bar table application, if any.

³ The scope of this bar table application will depend on the Chamber's decision on submitted materials following the completion of D30-P-4864's testimony.

- Legal, governmental, and political entities: 38 items (30 items emanating from legal, governmental, and political entities totalling 166 pages, 5 items relating to cooperation requests totalling 14 pages, 2 legal codes totalling 80 pages, and 1 item obtained from the UN-OHCHR totalling 11 pages).
 - Open Source material: 44 items (13 open source Facebook documents totalling 24 pages, 24 media and press articles totalling 81 pages, 1 United Nations document totalling 10 pages, 2 photographs totalling 2 pages, and 4 reports totalling 289 pages).
 - Miscellaneous items: 17 items (1 email communication totalling 20 pages, 6 ICC Prosecution investigation reports and notes totalling 18 pages, 4 media and press articles not publicly available totalling 11 pages, 4 items related to the determination of the age of individuals of interest totalling 7 pages, and 2 items related to the identity of individuals of interest totalling 4 pages).
3. The number of aforementioned items may be subject to change upon further assessment of the materials, the outcome of *inter partes* communications, pending the execution of outstanding requests for assistance, and following the development of the Defence case and its investigations.
 4. Regarding anticipated deadlines, the Defence undertakes to file its bar table applications on a rolling basis and no later than the deadline set by the Chamber.⁴ This timeline includes *inter partes* inquiries as to any agreement or objection to the proposed items.⁵

⁴ ICC-01/14-01/18-2342, para. 6.

⁵ Pursuant to the *Initial Directions on the Conduct of the Proceedings* (ICC-01/14-01/18-631), para. 62.

RESPECTFULLY SUBMITTED ON THIS 1st DAY OF MARCH 2024



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