

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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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 AND PATRICE-
EDOUARD NGAÏSSONA***

Public

**Defence's information regarding its Bar Table Applications
(pursuant to ICC-01/14-01/18-2342)**

Source: Defence of Patrice-Edouard Ngaïssona

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

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I. INTRODUCTION

1. On 2 February 2024, Trial Chamber V ('the Chamber') issued its "Further Directions on the Conduct of Proceedings (End of Defence Presentation of Evidence and Closure of Evidence)" ('Further Directions'),¹ whereby the Chamber directed the Defence to provide the Chamber and the participants information about the Defence's prospective bar table applications.² Specifically, the Chamber ordered the Defence to provide the following details regarding these applications 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.³
2. The Defence for Mr Ngaïssona ('the Defence') hereby informs the Chamber of its prospective bar table applications in accordance with the Further Directions. In the month that was allotted to provide this information, the Defence has significantly reduced the number of items that it intends to tender via bar table application. In doing so, the Defence hopes to contribute to the expeditiousness of the proceedings by not flooding the case record with evidence that is either minimally probative or which is redundant of other evidence on record. With this objective in mind, the Defence intends to strive to further reduce the items it intends to submit *via* bar table application following the submission of the present information. The information provided in the present submissions therefore represents the maximum number of items the Defence would submit through a bar table.

¹ ICC-01/14-1/18-2342.

² Ibid., para. 6.

³ Ibid., para. 6.

II. INFORMATION

3. Pursuant to the Further Directions, the Defence hereby provides the Chamber and participants with the information detailed below regarding its prospective bar table applications.
4. The Defence intends to file bar table applications concerning the following types of evidence:
 - Anti-Balaka Documents: 22 items (totalling 54 pages).
 - Central African Republic ('CAR') government Documents: 47 items (totalling 147 pages).
 - Complaints: 68 items (totalling 641 pages). These items relate to complaints regarding Seleka crimes filed with nongovernmental organizations.
 - Email Communications : 56 items (totalling 97 pages).
 - FIFA Documents: 6 items (totalling 28 pages).
 - Media Articles: 4 items (totalling 20 pages).
 - Call Data Records ('CDR'): The testimony of D30-P-4885, the CDR expert, concluded on the same day as the filing of the present information, namely 1 March 2024. The Defence is currently assessing whether it intends to introduce into the record any of the remaining CDR material that the Prosecution has not submitted. Such an assessment must be made with due consideration of D30-P-4885's testimony, which has only recently concluded. Therefore, at this time, the Defence cannot exclude submitting CDR material. However, in the event the Defence were to seek to introduce such material, it would be limited in scope, and consist of a few items.

- Miscellaneous: At the end of its case, the Defence may file one final bar table application containing "miscellaneous" documents. The expected volume of such an application will depend on a variety of factors, such as: (1) the testimony of the several witnesses who have yet to appear during the Defence's presentation of evidence, and (2) the outcome of pending RFAs that the Defence has filed before the Cameroonian and Central African authorities.
5. The number of items detailed in the present filing comes to a total of 203. Given that the Defence intends to further reduce this total, it will not be filing several bar table applications. In terms of timelines, the Defence will endeavour to abide by the Chamber's encouragement to file its prospective bar table applications on a rolling basis. Currently, the Defence estimates filing between 2 or 3 bar table applications.

Respectfully submitted on 1 March 2024,



Mr Knoop, Lead Counsel for Patrice-Edouard Ngaïssona

At The Hague, the Netherlands.