

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 29 August 2024

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung
Judge Beti Hohler, Alternate Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *THE PROSECUTOR v.*
ALFRED ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA

Public
With Confidential Annex A

Yekatom Defence Request for the Formal Submission of Miscellaneous
Items from the Bar Table

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

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Mr Dmytro Suprun
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Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants
(Participation / Reparation)

The Office of Public Counsel for
Victims

The Office of Public Counsel for the
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States' Representatives

Amicus Curiae

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit
Mr Nigel Verrill

Detention Section

Victims Participation and Reparations
Section

1. The Defence for Mr Yekatom (“Defence”) hereby requests the formal submission of 35 items of evidence submitted from the bar table, in accordance with articles 64(9)(a), 69(3) and 69(4) of the Rome Statute, rule 63(2) of the Rules of Procedure and Evidence, and the procedure established in Trial Chamber V’s (“Chamber”) Initial Directions on the Conduct of Proceedings.¹ These 35 items are miscellaneous documents listed in the Annex A² of the present request (“Submitted Items”).³
2. The Defence has detailed in the Annex A the relevance of the Submitted items to the charges, as well as their authenticity and reliability. The Defence submits that the items for which submission into evidence is sought are relevant, *prima facie* reliable and meet the authenticity criteria. They are mutually corroborative of other evidence in the case file. No procedural bars or obstacles affect the Submitted Items. Recognising their formal submission would assist the Chamber’s determination of the truth and would ensure an expeditious trial.
3. With regard to the methodology adopted and a description of the columns utilised in Annex A, the Defence recalls its preliminary remarks set out in the “Yekatom Defence Request for the formal submission of Audio/Video and Photographic material”.⁴
4. On 16 August 2024, the Defence inquired with Parties and Participants as to their respective positions on the items to be tendered for submission pursuant to paragraph 62 of the Initial Directions on the Conduct of the Proceedings.⁵ The Prosecution provided its position on the items, indicating its intention to

¹ ICC-01/14-01/18-631, paras. 53-54, 61-62.

² On 22 May 2024, pursuant to a request made by the Defence, the Chamber authorised the latter to file its annexes to its bar table motions in A3 format

³ The items are listed in the Confidential Annex A. The items 9, 10 and 14 have been greyed out in the annex as they were recognised as formally submitted following the communication of the Annex *inter partes* (Email from the Chamber to the Parties and Participants on 23 August 2024 at 12:19).

⁴ See ICC-01/14-01/18-2515-Conf, paras. 9-15.

⁵ Email sent by the Defence to Parties and Participants dated 16 August 2024 at 14:45 (available upon request).

object to the submission of 13 items. For the remaining items, the Prosecution reserved its right to raise further objections regarding authenticity, reliability, and relevance and communicated it.⁶ The Ngaïssona Defence indicated that it did not intend to object to the submission of the 35 items.⁷

CONFIDENTIALITY

5. The Annex appended to this filing is classified as confidential as it refers to confidential evidence.

RELIEF SOUGHT

6. In light of the above, the Defence respectfully requests Trial Chamber V to:
- RECOGNISE the Submitted Items listed in the Confidential Annex as formally submitted.

RESPECTFULLY SUBMITTED ON THIS 29th DAY OF AUGUST 2024



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands

⁶ Email sent by the Prosecution to Parties and Participants dated 22 August 2024 at 17:54 (available upon request).

⁷ Email sent by the Ngaïssona Defence to Parties and Participants dated 23 August 2024 at 17:20 (available upon request).