

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **30 June 2025**

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

Public Redacted Version of the “Yekatom Defence Response to “Registry’s Report in relation to the implementation of the “Decision on the Yekatom Defence Request for Cooperation from [REDACTED]”(ICC-01-14-01/18-1531-Conf-Exp), 28 July 2022””, ICC-01/14-01/18-1726-Conf-Exp, 17 January 2023

Source: Defence for Mr. Alfred Rombhot Yekatom

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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

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

INTRODUCTION

1. The Defence for Mr Alfred Rombhot Yekatom ("Defence") hereby responds to the Confidential *Ex Parte* "Registry's Report in relation to the implementation of the "Decision on the Yekatom Defence Request for Cooperation from [REDACTED]" ("Report") notified on 11 January 2023.¹
2. In order to ensure that the Trial Chamber V's ("Chamber") "Decision on the Yekatom Defence Request for Cooperation from [REDACTED]" ("Decision")² is executed and to follow-up on the Chamber's instruction of 16 December 2022,³ the Defence requests the Chamber to request (i) the [REDACTED] Authorities to transmit a timeline of execution of the Decision within the update it intends to produce by 25 January 2023⁴ and (ii) the Registry to produce an updated report by 30 January 2023, including the above-mentioned timeline.

PROCEDURAL HISTORY

3. On 29 June 2022, the Defence submitted a request to the Chamber ("Request") to "order the [REDACTED] Authorities to cooperate with the Court on an urgent basis, and with a compliance date of 1 September 2022" and "request the [REDACTED] Authorities to collect, in electronic format, the evidence listed in Annex" ("Sought Material") to its Request.⁵
4. On 28 July 2022, the Chamber issued the Decision, in which it granted the Request and instructed the Registry as follows:

¹ Registry, "Registry's Report in relation to the implementation of the "Decision on the Yekatom Defence Request for Cooperation from [REDACTED]" (ICC-01-14-01/18-1531-Conf-Exp)", [ICC-01/14-01/18-1719-Conf-Exp](#).

² Trial Chamber V, "Decision on the Yekatom Defence Request for Cooperation from [REDACTED]", 28 July 2022, [ICC-01/14-01/18-1531-Conf-Exp](#).

³ Email from Trial Chamber V to the Registry, with copy to the parties and participants, sent on 16 December 2022 at 10.11.

⁴ [ICC-01/14-01/18-1719-Conf-Exp](#), para. 20.

⁵ Defence, "Request for an order concerning the cooperation of the Government of [REDACTED]", 29 June 2022, [ICC-01/14-01/18-1492-Conf-Exp](#), para 68; [ICC-01/14-01/18-1492-Conf-Exp-AnxA](#).

to emphasise in the cooperation request **the importance of its prompt execution** and to indicate to the [REDACTED] authorities that, in the event they identify problems which may impede or prevent its execution, they shall consult with the Court without delay to resolve the matter, in accordance with Article 97 of the Statute.⁶

5. On 26 September 2022, the Defence was informed that the [REDACTED] Authorities had received the court order required for the execution of the Request.⁷
6. From October 2022 onwards, the Defence sent not less than thirteenth requests for updates, as the data had not yet been transmitted.⁸
7. On 8 November 2022, the [REDACTED] Authorities informed the Registry that they would revert with a timeline on availability of the Sought Material.⁹
8. On 12 December 2022, the Defence informed the Chamber, by way of email,¹⁰ that “while it has been over four months since it issued its Decision [...], the sought materials still have not been provided to the Defence and there is no indication that this might happen.” The Defence further requested the Chamber to order the Registry to provide a full and detailed report of its communications with the Government of [REDACTED] further to the Decision.
9. On 16 December 2022, the Chamber instructed the Registry to confirm the ongoing implementation of the cooperation order, to indicate if the [REDACTED] Authorities had reported any issue and to provide a report of all communications with the [REDACTED] Authorities by 11 January 2023.¹¹

⁶ [ICC-01/14-01/18-1531-Conf-Exp](#) [emphasis added].

⁷ Email from the Counsel Support Section to Defence, sent on 26 September 2022 at 10.07, available upon request.

⁸ See Emails from the Defence to Counsel Support Section, sent on 13, 18, 26, 28 and 31 October 2022; 16, 18, 21, 23, 29 and 30 November 2022; 1st and 5 December 2022, available upon request.

⁹ [ICC-01/14-01/18-1719-Conf-Exp](#), para 14.

¹⁰ Email from the Defence to Trial Chamber V, with copy to the Registry, sent on 12 December 2022 at 15.06; Confidential Redacted Version of the same email from the Defence to Trial Chamber V, with copy to the parties, participants and Registry, sent on 12 December 2022 at 15.19, available upon request.

¹¹ Email from Trial Chamber V to the Registry, with copy to the parties and participants, sent on 16 December 2022 at 10.11, available upon request.

10. On 11 January 2023, the Registry submitted the Report.¹²

APPLICABLE LAW

11. The following provisions are of particular relevance for the purpose of the present response: articles 86, 87, 93(1)(i), 96(2), 99(1) and (2) of the Rome Statute; rules 116(1) and 176(2) of the Rules of Procedure and Evidence.
12. In particular, article 99(2) of the Rome Statute specifies that “[i]n the case of an urgent request, the documents or evidence produced in response shall, at the request of the Court, be sent urgently”.

SUBMISSIONS

13. In light of the urgency of the Request, the Defence requests the Chamber to request the [REDACTED] Authorities to provide it with a clear timeline for the execution of the Decision as part of its obligation under Article 86 of the Statute. This timeline could be part of the update that the [REDACTED] Authorities are aiming to provide prior to 25 January 2023.¹³ If the Chamber deems it appropriate, this request could be coupled with a request to transmit the data on a rolling basis. Both those request are essential to the preparation of the Defence in light of the upcoming witnesses.
14. In support of this request, the Defence recalls that although the [REDACTED] Authorities informed the Registry on 8 November 2022 that a timeline would be reverted,¹⁴ unfortunately no timeline has yet been received by the Defence.
15. The Defence submits that it has fulfilled its obligation of diligence by continuously asking for updates on the transmission of the Sought Material,¹⁵

¹² [ICC-01/14-01/18-1719-Conf-Exp.](#)

¹³ [ICC-01/14-01/18-1719-Conf-Exp.](#), para. 20.

¹⁴ [ICC-01/14-01/18-1719-Conf-Exp.](#), para 14.

¹⁵ See Emails from the Defence to Counsel Support Section, sent on 13, 18, 26, 28 and 31 October 2022; 16, 18, 21, 23, 29 and 30 November 2022; 1st and 5 December 2022, available upon request.

but that it has so far not been provided with any concrete information about the expected date or timeline of transmission of the evidentiary material.

16. As highlighted by the Defence in its correspondence to the Chamber¹⁶ and the Counsel Support Section (“CSS”),¹⁷ almost six months have elapsed since the Decision was issued. The Defence believes that the important delay in the implementation of the cooperation order goes against the requirement of “prompt execution” set out by the Chamber in its Decision¹⁸ and of article 99(2) of the Rome Statute on urgent transmission, applicable to the present cooperation order.
17. The Defence emphasizes that the Request is central to its preparation for Count 29 and was already urgent in June 2022, as it has been recognised by the Chamber,¹⁹ and thus that the prompt reception of the Sought Material is more than crucial.
18. Indeed, and as previously demonstrated in its Request, the Sought Material is essential to the preparation of hearings of alleged Child Soldiers Witnesses.²⁰ These witnesses are expected to appear before the Chamber in the coming months. Two witnesses related to [REDACTED] are already scheduled as contingency witnesses and could testify as early as February 2023.²¹
19. The Defence contends that the delay in receiving the requested material impairs several investigative avenues that depend on the content provided. Moreover, if it were to be further extended, the ongoing delay might prejudice the expeditious conduct of the proceedings. The analysis by the Defence of any

¹⁶ Email from the Defence to Trial Chamber V, with copy to the Registry, sent on 12 December 2022 at 15.06; Confidential Redacted Version of the same email from the Defence to Trial Chamber V, with copy to the parties, participants and Registry, sent on 12 December 2022 at 15.19; Email from Trial Chamber V to the Registry, with copy to the parties and participants, sent on 16 December 2022 at 10.11, available upon request.

¹⁷ See Email from Defence to CSS sent on 30 November 2022 at 21.16, available upon request.

¹⁸ Decision, para 11.

¹⁹ [ICC-01/14-01/18-1531-Conf-Exp](#), para 11.

²⁰ [ICC-01/14-01/18-1492-Conf-Exp](#), para 17 to 45.

²¹ Email from the Prosecution to Trial Chamber V sent on 13 January 2023, at 15.59, available upon request.

material eventually received would require a significant amount of time, especially in view of the limited resources of the Defence.²²

20. Further, as the amount of data requested seems to be a reason for the delays,²³ the Defence suggests that the [REDACTED] Authorities could be requested to transmit the data on a rolling basis if the material is received from [REDACTED] incrementally.
21. Lastly, the Defence submits it should continue to be informed of any updates given by the [REDACTED] Authorities regarding the execution of the Decision. Specifically, the Defence requests the Chamber to instruct the Registry to provide an updated report by 30 January 2023, including all new communications with the Government of [REDACTED] and the above-mentioned timeline established by the [REDACTED] Authorities.

CONCLUSION

22. Further to the above, the Defence submits that the intervention of the Chamber is necessary to ensure that the [REDACTED] Authorities provide a timeline of transmission of the requested evidence; and further, that the Defence should be informed of any updates concerning the execution of the cooperation order.

CONFIDENTIALITY

23. Pursuant to Regulation 23 bis (1) and (2) of the Regulations of the Court, this response is filed *ex parte* available only to the Defence of Mr Yekatom, in line with the classification of the Decision and as it concerns a request for cooperation requested by the Defence as a part of its Defence strategy.²⁴

²² Email from the Defence to Trial Chamber V, with copy to the Registry, sent on 12 December 2022 at 15.06; Confidential Redacted Version of the same email from the Defence to Trial Chamber V, with copy to the parties, participants and Registry, sent on 12 December 2022 at 15.19, available upon request.

²³ [ICC-01/14-01/18-1719-Conf-Exp](#), para 14.

²⁴ Email from the Defence to Trial Chamber V, with copy to the Registry, sent on 12 December 2022 at 15.06; Confidential Redacted Version of the same email from the Defence to Trial Chamber V, with copy to the parties, participants and Registry, sent on 12 December 2022 at 15.19, available upon request.

RELIEF SOUGHT

24. In light of the above, the Defence respectfully requests Trial Chamber V to:

REQUEST the [REDACTED] Authorities to provide a timeline for data transmission prior to 25 January 2023, and to transmit the data on a rolling basis, if relevant;

ORDER the Registry to provide a full and detailed updated report of its communications with the [REDACTED] Authorities further to the previous Report, by 30 January 2023.

RESPECTFULLY SUBMITTED ON THIS 30TH DAY OF JUNE 2025



Me Mylène Dimitri
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