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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 YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public redacted version of

**Decision on the Requests to Present Additional Evidence for Potential
Sentencing**

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

Yekatom Defence

Ngaïssona Defence

☒ **Legal Representatives of the Victims**

Common Legal Representative of the Former
Child Soldiers

Common Legal Representatives of Victims of
Other Crimes

☐ **Legal Representatives of the Applicants**

☐ **Unrepresented Victims**

☐ **Unrepresented Applicants
(Participation/Reparation)**

☐ **The Office of Public Counsel for Victims**

☐ **The Office of Public Counsel for the
Defence**

☐ **States' Representatives**

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☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

TRIAL CHAMBER V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Articles 64, 69 and 76 of the Rome Statute (the ‘Statute’) and Rules 68 and 145 of the Rules of Procedure and Evidence (the ‘Rules’), issues this ‘Decision on the Requests to Present Additional Evidence for Potential Sentencing’.

I. Procedural history and submissions

1. On 18 July 2024, the Chamber issued its ‘Decision on the Sentencing Procedure and Amended Directions on the Conduct of the Proceedings’ (the ‘Sentencing Procedure Decision’). In this decision, the Chamber set the procedural calendar for the potential sentencing proceedings and instructed the participants to file any requests to present additional evidence for potential sentencing at the latest by 6 September 2024, and any responses thereto by 13 September 2024.¹
2. On 5 September 2024, the Single Judge granted the Yekatom Defence’s request for an extension of time to present additional evidence for potential sentencing in relation to ten prior recorded testimonies (the ‘PRTs’) which could not be obtained before the 6 September deadline (the ‘Yekatom Extension Request’),² until 4 October 2024. The Single Judge further instructed that responses to the Yekatom Defence’s upcoming request to present such additional evidence are to be filed by 10 October 2024.³
3. On 6 September 2024, the Ngaïssona Defence requested the submission of eight items for the purposes of potential sentencing (the ‘First Ngaïssona Request’) and sought an extension of time to submit additional testimonial evidence until 1 October 2024 (the ‘Ngaïssona Extension Request’).⁴ It further requested that

¹ Sentencing Procedure Decision, ICC-01/14-01/18-2600, paras 5, 8.

² Yekatom Defence Request for Variation of Time Limit pursuant to Regulation 35 to Present Additional Evidence for Potential Sentencing, 4 September 2024, ICC-01/14-01/18-2671-Conf.

³ Email from the Chamber, 5 September 2024, at 15:18. *See also* email from the Chamber, 4 September 2024, at 16:12; email from the Prosecution, 4 September 2024, at 17:24; email from the Common Legal Representatives of the Victims of Other Crimes, 4 September 2024, at 17:39; email from the Ngaïssona Defence, 5 September 2024, at 11:57.

⁴ Consolidated Ngaïssona Defence Request to Present Additional Evidence for Potential Sentencing and Request for an Extension of Time Pursuant to Regulation 35(2) to present testimonial evidence, ICC-01/14-01/18-2676-Conf-Exp, *ex parte* only available to the Ngaïssona Defence (with one confidential Annex 1) (confidential redacted version notified the same day, ICC-01/14-01/18-2676-Conf-Red). The

the Chamber ‘dispense with the requirement to have a member of the Registry to witness accompanying declarations with any [PRT] [...] for the purposes of sentencing’ (the ‘Ngaïssona Dispensing Request’).⁵

4. On the same day, the Yekatom Defence sought the submission of the PRTs of twelve witnesses for the purposes of potential sentencing, as well as for the identity of some of these witnesses not to be disclosed to the public (the ‘First Yekatom Request’ and the ‘ICPM Requests’, respectively).⁶ The Yekatom Defence submits that the procedural pre-requisites of Rule 68 of the Rules should not be applied. Alternatively, it seeks to be dispensed from the requirement to have a member of the Registry witness the accompanying declarations pursuant to Rule 68(2)(b)(ii) and (iii) of the Rules or that the deadline for completing the certifications be set after the sentencing hearing (the ‘Yekatom Dispensing Request’).⁷
5. On the same day, the Office of the Prosecutor (the ‘Prosecution’) requested the submission of three items for the purposes of potential sentencing (the ‘Prosecution Request’). It further argues that the Chamber should dispense with all evidentiary pre-requisites of Rule 68 of the Rules (the ‘Prosecution Dispensing Request’).⁸
6. On 10 September 2024,⁹ the Single Judge granted the Ngaïssona Extension Request and instructed that responses to the Ngaïssona Defence’s upcoming

Chamber notes that a previous extension request by the Ngaïssona Defence in relation to the 6 September 2024 deadline (in which it had sought to be provided with the same extension as the one requested by the Yekatom Defence, *see* email from the Ngaïssona Defence, 5 September 2024, at 11:57; Yekatom Defence Request for Variation of Time Limit pursuant to Regulation 35 to Present Additional Evidence for Potential Sentencing, 4 September 2024, ICC-01/14-01/18-2671-Conf), was rejected by the Single Judge, as it failed to substantiate good cause (*see* email from the Chamber, 5 September 2024, at 15:18).

⁵ First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Red, paras 34-40, p. 13.

⁶ Yekatom Defence Request to Present Additional Evidence for Potential Sentencing, ICC-01/14-01/18-2678-Conf. The Chamber granted the Yekatom Defence’s request for an extension of page limit for this request in accordance with Regulation 37(2) of the Regulations of the Court (email from the Chamber, 27 August 2024, at 09:51; *see* email from the Yekatom Defence, 26 August 2024, at 17:28).

⁷ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 2-3, 6-16, 77, 88-96, 98.

⁸ Prosecution’s Request to present Additional Evidence for potential Sentencing, ICC-01/14-01/18-2679-Conf (with confidential Annexes A and B).

⁹ The Single Judge instructed that any responses to the Ngaïssona Extension Request shall be sent per email by 10 September 2024, at 10:00 (*see* email from the Chamber, 9 September 2024, at 15:38). The Common Legal Representatives for the Victims of the Other Crimes indicated not intending to respond to the Ngaïssona Extension Request (*see* email on 9 September 2024, at 16:08). The Prosecution deferred

requests in relation to this additional testimonial evidence for the purposes of potential sentencing are to be filed within one week of their notification.¹⁰

7. On 13 September 2024, the Prosecution responded to the First Ngaïssona Request, opposing the submission of all but one item (the ‘Response to the First Ngaïssona Request’).¹¹
8. On the same day,¹² the Prosecution partly opposed the First Yekatom Request. It submits, *inter alia*, that the proposed PRTs should be considered limitedly or rejected by the Chamber and that the ICPM Requests should be rejected (the ‘Response to the First Yekatom Request’).¹³
9. On the same day, the Yekatom Defence responded to the Prosecution Request (the ‘Response to the Prosecution Request’).¹⁴
10. On 1 October 2024, the Ngaïssona Defence sought the submission of the PRT of witness D30-4321 pursuant to Rule 68(2)(b) of the Rules for the purposes of potential sentencing, incorporating its submissions from the First Ngaïssona Request (the ‘Second Ngaïssona Request’).¹⁵
11. On 4 October 2024, the Yekatom Defence sought the submission of the PRTs of four witnesses for the purposes of potential sentencing, incorporating its submissions from the First Yekatom Request (the ‘Second Yekatom Request’).¹⁶

to the Chamber, but made further observations (*see* email on 10 September 2024, at 09:41), to which the Yekatom Defence responded (*see* email on 10 September 2024, at 11:15).

¹⁰ *See* email from the Chamber, 10 September 2024, at 14:00.

¹¹ Prosecution’s Response to the “Consolidated Ngaïssona Defence Request to Present Additional Evidence for Potential Sentencing and Request for an Extension of Time Pursuant to Regulation 35 (2) to present testimonial evidence” (ICC-01/14-01/18-2676), ICC-01/14-01/18-2688-Conf.

¹² The Chamber rejected the Prosecution’s request for an extension of time to file its response to the First Yekatom Request (email from the Chamber, 12 September 2024, at 16:13; *see* email from the Prosecution, 12 September 2024, at 11:58; email from the Yekatom Defence, 12 September 2024, at 15:08).

¹³ Prosecution’s Response to “Yekatom Defence Request to Present Additional Evidence for Potential Sentencing” (ICC-01/14-01/18-2678-Conf), ICC-01/14-01/18-2692-Conf, paras 1, 4-5, 45, 49.

¹⁴ Yekatom Defence Response to the “Prosecution’s Request to present Additional Evidence for potential Sentencing”, 6 September 2024, ICC-01/14-01/18-2679-Conf, ICC-01/14-01/18-2693-Conf.

¹⁵ Ngaïssona Defence request to submit additional evidence on sentencing through Rule 68(2)(b) – D30-4321, ICC-01/14-01/18-2713-Conf (with one confidential Annex A).

¹⁶ Second Yekatom Defence Request to Present Additional Evidence for Potential Sentencing, ICC-01/14-01/18-2718-Conf.

12. On 7 October 2024, the Chamber received a request from the Yekatom Defence seeking the submission of the PRT of witness D29-8027 for the purposes of potential sentencing, incorporating its submissions from the First Yekatom Request (the ‘Third Yekatom Request’).¹⁷
13. On 13 October 2024, the Ngaïssona Defence deferred to the Chamber’s discretion with respect to the Prosecution Request.¹⁸
14. On 14 October 2024, the Prosecution responded to the Second Ngaïssona Request, deferring to the Chamber, subject to certain observations (the ‘Response to the Second Ngaïssona Request’).¹⁹
15. On the same day, the Ngaïssona Defence informed the Chamber that it deferred to its discretion whether the Response to the Second Ngaïssona Request ‘should be dismissed *in limine* for being filed almost one week after the expiration of the time limit’.²⁰
16. On 15 October 2024, the Prosecution responded to the Second Yekatom Request, opposing the submission of witness D29-8025’s PRT and deferring to the Chamber’s discretion for the remaining witnesses (the ‘Response to the Second Yekatom Request’).²¹
17. On the same day, the Prosecution apologised for the delayed filing of the Responses to the Second Ngaïssona Request and to the Second Yekatom Request, and clarified that it was ‘under the erroneous belief that a standard delay for response of 10 days was applicable in the circumstances’. It further informed that it deferred to the Chamber’s discretion in relation to the Third Yekatom Request.²²

¹⁷ Third Yekatom Defence Request to Present Additional Evidence for Potential Sentencing, ICC-01/14-01/18-2720-Conf (filed on 4 October 2024 after close of business, notified on 7 October 2024).

¹⁸ Email from the Ngaïssona Defence, 12 September 2024, at 19:55.

¹⁹ Prosecution’s Response to “Ngaïssona Defence request to submit additional evidence on sentencing through Rule 68(2)(b) – D30-4321” (ICC-01/14-01/18-2713-Conf), ICC-01/14-01/18-2726-Conf.

²⁰ Email from the Ngaïssona Defence, 14 October 2024, at 18:27.

²¹ Prosecution’s Response to “Second Yekatom Defence Request to Present Additional Evidence for Potential Sentencing” (ICC-01/14-01/18-2718-Conf), ICC-01/14-01/18-2727-Conf.

²² Email from the Prosecution, 15 October 2024, at 15:45.

18. On the same day, the Yekatom Defence requested that the Chamber dismiss the Response to the Second Yekatom Request *in limine* for being filed five days after the expiration of the time limit set by the Chamber (the ‘Yekatom Dismissal Request’).²³

II. Analysis

A. Preliminary matters

19. First, the Chamber notes that the Third Yekatom Request, which was due on 4 October 2024,²⁴ was filed after close of business on that day and notified only on 7 October 2024. The Yekatom Defence submits that it is in the interest of the justice to grant the Third Yekatom Request, arguing that little prejudice, if any, was caused to the participants.²⁵
20. The Chamber notes the explanations provided by the Yekatom Defence as to the challenges it faced to collect D29-8027’s PRT before the expiration of the deadline.²⁶ Further noting that D29-8027’s PRT was disclosed on 4 October 2024, that a courtesy copy of the Third Yekatom Request and the PRT were sent to the participants and the Chamber on the same day,²⁷ and that no participant objected, the Chamber considers that no undue prejudice arises in the circumstances and finds that it is in the interests of justice to entertain the Third Yekatom Request.
21. Second, the Chamber recalls that it shortened the deadline to respond to the Second and Third Yekatom Requests and the Second Ngaïssona Request.²⁸ Accordingly, these responses were due on 8 and 10 October 2024, respectively. Noting that the Prosecution’s Responses to the Second Yekatom Request and to the Second Ngaïssona Request were filed past these deadlines, and that the Prosecution did not submit a request pursuant to Regulation 35 of the Regulations

²³ Emails from the Yekatom Defence, 15 October 2024, at 15:48 and at 15:53.

²⁴ Email from the Chamber, 5 September 2024, at 15:18.

²⁵ Third Yekatom Request, ICC-01/14-01/18-2720-Conf, paras 2, 12. *See also* email from the Yekatom Defence, 4 October 2024, at 22:06.

²⁶ Third Yekatom Request, ICC-01/14-01/18-2720-Conf, paras 2, 10-12.

²⁷ Third Yekatom Request, ICC-01/14-01/18-2720-Conf, paras 2, 12; email from the Yekatom Defence, 4 October 2024, at 22:06.

²⁸ *See* emails from the Chamber, 5 September 2024, at 15:18 and 10 September 2024, at 14:00.

of the Court, the Chamber will not consider them in its assessment of the Second Yekatom Request and the Second Ngaïssona Request. Therefore, the Chamber grants the Yekatom Dismissal Request.

22. Third, the Chamber takes note of the Prosecution Dispensing Request, the Yekatom Dispensing Request and the Ngaïssona Dispensing Request (jointly the ‘Dispensing Requests’).²⁹ Considering that all parties requested the Chamber to dispense with the requirement under Rule 68(2)(b)(ii) and (iii) of the Rules to have a Registry member witness the declarations accompanying PRTs submitted during the potential sentencing phase, and noting the practice of previous trial chambers in this respect,³⁰ the Chamber grants this part of the Dispensing Requests. Consequently, the Registry is not required to witness the declarations subject to the present decision as per the procedure previously set out,³¹ and the Chamber considers the witnesses’ declarations made in the context of their respective PRTs sufficient in this instance.
23. Having said this, the Chamber sees no reason to dispense with the other requirements under Rule 68(2)(b) of the Rules, as argued by the Prosecution in the Prosecution Request³² and by the Yekatom Defence.³³ Accordingly, it rejects the remainder of the Dispensing Requests.

²⁹ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 2-3, 6-16, 77, 88-96, 98; Second Yekatom Request, ICC-01/14-01/18-2718-Conf, paras 2-3, 48-49, 51, 60-66, 68; Third Yekatom Request, ICC-01/14-01/18-2720-Conf, paras 3-4, 22-23, 25, 34-37, 39; First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Red, paras 34-41; Second Ngaïssona Request, ICC-01/14-01/18-2713-Conf, para. 4; Prosecution Request, ICC-01/14-01/18-2679-Conf, paras 4, 19-21.

³⁰ See Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Decision on Defence request to dispense with certain certification requirements under Rule 68(2)(b)(ii) of the Rules, 18 July 2024, ICC-01/12-01/18-2610; Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, Preliminary ruling on prior recorded testimony pursuant to Rule 68(2)(b) in relation to sentencing, 23 August 2019, ICC-01/04-02/06-2385-Conf (public redacted version notified the same day), para. 10; Trial Chamber VII, *The Prosecutor v. Jean-Pierre Bemba Gombo et al.*, Decision on Sentencing Witnesses and Setting an Article 76(2) Hearing, 11 November 2016, ICC-01/05-01/13-2025, paras 6-7.

³¹ Decision on the Prosecution’s Request to Designate a Person Authorised to Witness a Declaration under Rule 68(2)(b) of the Rules of Procedure and Evidence, 6 May 2020, ICC-01/14-01/18-508.

³² Prosecution Request, ICC-01/14-01/18-2679-Conf, paras 4, 19-21. The Chamber notes that the Prosecution’s position on this matter seems to vary between its filings submitted in the context of potential sentencing: While arguing that Rule 68 of the Rules does not apply at the sentencing stage in its Prosecution Request, it seems to apply Rule 68(2)(b) of the Rules in its responses to the defence’s requests for additional evidence (see Response to the Second Ngaïssona Request, ICC-01/14-01/18-2726-Conf, paras 5-6; Response to the Second Yekatom Request, ICC-01/14-01/18-2727-Conf, para. 2).

³³ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 2, 6-16, 95.

B. Applicable Law

24. Article 76(1) of the Statute mandates the Chamber to ‘take into account the evidence presented and submissions made during the trial that are relevant to the sentence’.
25. The Chamber recalls its approach to the submission of evidence at trial. Notably, it recalls that it did not rule on the admissibility of each item of evidence during the course of the proceedings, but deferred its assessment of the standard evidentiary criteria (relevance, probative value and potential prejudice) of each item to its deliberations on the judgment pursuant to Article 74(2) of the Statute. Nonetheless, the Chamber retained its discretion to rule on any other admissibility related issues upfront, when appropriate.³⁴
26. The Chamber applies the same approach, *mutatis mutandis*, to the sentencing procedure and the present requests.³⁵ Accordingly, the Chamber will, in principle, limit itself to considering whether any exclusionary rules and procedural bars exist to the submission of requested evidence, and defer its assessment of the standard evidentiary criteria to any potential sentencing decision.
27. Additionally, the Chamber will pay heed to the abundant evidence already on the case record and, if appropriate, intervene where additional evidence sought for submission for potential sentencing is duplicative.³⁶
28. With respect to testimonial evidence sought to be submitted pursuant to Rule 68(2)(b) of the Rules, the Chamber further recalls the applicable law as previously set out.³⁷ Specifically, the Chamber recalls that under this provision a PRT may

³⁴ Initial Directions on the Conduct of the Proceedings, 26 August 2020, ICC-01/14-01/18-631, paras 53-59.

³⁵ See also Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, Decision on the ‘Defence request to submit additional evidence for Trial Chamber IX’s determination of the sentence’, 19 March 2021, ICC-02/04-01/15-1801, paras 4-5; Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, First decision on Defence requests for the introduction of sentencing evidence, 31 July 2024, ICC-01/12-01/18-2629, paras 12-13.

³⁶ See Sentencing Procedure Decision, ICC-01/14-01/18-2600, para. 7.

³⁷ First Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(2)(b) of the Rules, 6 April 2023, ICC-01/14-01/18-1833-Conf-Corr (confidential corrected and public redacted version of the corrected version notified on 17 April 2024, ICC-01/14-01/18-1833-Corr-Red) (the ‘First Rule 68(2)(b) Decision’), paras 16-47.

not be introduced when it goes to the acts and conduct of the accused. As one of the factors to determine whether references to the accused's actions concern their acts and conduct within the meaning of Rule 68(2)(b) of the Rules, the Chamber will duly consider whether they pertain to the time before or after the period relevant to the charges. Furthermore, the Chamber notes that it will not allow the submission of PRTs in a piece-meal fashion.³⁸

29. Finally, and most importantly, the Chamber notes that the submission of evidence for potential sentencing is not intended to be used as an opportunity to complement gaps in the parties' evidence presentation during the trial. The Chamber recalls in this respect that the evidence to be considered for the purposes of the decision under Article 74 of the Statute has been closed.³⁹ Any evidence granted in the present decision will therefore solely be considered for the purposes of potential sentencing.⁴⁰

C. The Chamber's determinations

1. The Prosecution Request

(i) Non-testimonial evidence

30. The Prosecution seeks to submit a video recording of the Central African Republic's (the 'CAR') National Assembly on 29 October 2018, which it claims shows Mr Yekatom shooting a gun.⁴¹ It submits that the video demonstrates that Mr Yekatom is a violent individual and his 'callous disregard for human life'.⁴² The Yekatom Defence defers to the Chamber's discretion with regard to this item.⁴³

³⁸ First Rule 68(2)(b) Decision, ICC-01/14-01/18-1833-Corr-Red, para. 18; Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies under Rule 68(3) of the Rules concerning Witnesses P-1962, P-0925, P-2193, P-2926, P-2927, P-1577 and P 0287, and the Ngaïssona Defence Motion to Limit the Scope of P-2926's Evidence, 1 April 2021, ICC-01/14-01/18-907-Conf (public redacted version notified the same day), para. 16.

³⁹ Declaration on the Closure of the Submission of Evidence, 18 September 2024, ICC-01/14-01/18-2697.

⁴⁰ See also Prosecution Request, ICC-01/14-01/18-2679-Conf, para. 5.

⁴¹ CAR-OTP-2093-0830.

⁴² Prosecution Request, ICC-01/14-01/18-2679-Conf, para. 2.

⁴³ Response to the Prosecution Request, ICC-01/14-01/18-2693-Conf.

31. Having reviewed the video, the Chamber sees no procedural bars to its submission. Further noting the Prosecution's submissions and the fact that the video was taken after the period relevant to the charges, the Chamber grants the submission of item CAR-OTP-2093-0830 into evidence for the purposes of potential sentencing.

(ii) Testimonial evidence

32. The Prosecution seeks to submit the PRTs of P-2013 and P-1792.
33. Witness **P-2013** is a [REDACTED]. In his PRTs,⁴⁴ he discusses, *inter alia*, (i) crimes committed by the Seleka; (ii) the timing of when he joined the Anti-Balaka; (iii) not seeing children amongst the Anti-Balaka when he joined; (iv) meeting the 'leader of the Anti-Balaka' Mr Yekatom and the frequency of their contact; (v) Mr Yekatom [REDACTED] visiting the base every day; (vi) [REDACTED]; (vii) [REDACTED]; (viii) [REDACTED]; (ix) the presence of [REDACTED] children at [REDACTED] bases (some under 15) and Mr Yekatom's awareness thereof, while at another point indicating that he did not see children at [REDACTED]; (x) Mr Yekatom ordering that children should not touch weapons; (xi) children living amongst the elements but having no active role; (xii) [REDACTED]; (xiii) [REDACTED] at the ceremony in Mbaïki on 5 August 2014; (xiv) Mr Yekatom meeting the MINUSCA in Mbaïki; (xv) reporting crimes committed by the elements [REDACTED] to Mr Yekatom; and (xvi) that Mr Yekatom's goal behind social cohesion events was to show the population that they could live peacefully with Muslims.
34. Witness **P-1792** was an [REDACTED]. In his PRT,⁴⁵ he discusses, *inter alia*, the presence of children within the Anti-Balaka. He states that (i) at the Yamwara School, there were about five boys under the age of 15 and that Mr Yekatom was aware of them; (ii) the children had the same tasks as everyone else and were treated like adults, including the application of disciplinary measures; (iii) these children were then transferred to Sekia upon Mr Yekatom's order, where they were taught how to strip and assemble automatic rifles; (iv) [REDACTED] a

⁴⁴ CAR-OTP-2075-1751 (interview [REDACTED]); CAR-OTP-2123-0536 (interview [REDACTED]).

⁴⁵ CAR-OTP-2075-1743.

meeting with UNICEF in May 2014 at Pissa town hall along with Mr Yekatom and a list of children was presented; and (v) Mr Yekatom agreed to include these children in the reintegration programme because he wanted to enhance his reputation in the area.

35. The Prosecution argues that these PRTs are *prima facie* relevant to the ‘determination of the gravity of Count 29 and/or the manner of its commission, and the extent of the damage caused, in particular the harm caused to the child victims’.⁴⁶
36. The Yekatom Defence objects. It submits that these PRTs concern ‘core allegations for which Mr Yekatom is charged with under Count 29 and as such, necessarily overlap with evidence which is already on the record’.⁴⁷ Moreover, it avers that these individuals’ evidence (i) is not unique; (ii) would need to be heard *viva voce* and tested in court ‘irrespective of the application of the Rule 68 framework’; (iii) clearly concerns acts and conduct of Mr Yekatom and matters that are materially in dispute, including the alleged ‘fabrication of evidence related to the ESF programme’; and (iv) does ‘not meet the admissibility criteria under Rule 68(2)(b) of the Rules should the Chamber be minded to apply the Rule 68 framework’.⁴⁸
37. The Chamber considers that these witnesses’ references to Mr Yekatom go to the core of the Prosecution’s allegations against the accused and clearly touch upon his acts and conduct within the meaning of Rule 68(2)(b) of the Rules. Moreover, the Chamber observes that almost all references pertain to the Prosecution’s allegations regarding child soldiers, an issue materially in dispute between the parties.⁴⁹ Additionally noting that P-2013’s and P-1792’s PRTs have already been taken in [REDACTED], the Chamber finds it entirely inappropriate for the Prosecution to submit them only at this stage of the proceedings.

⁴⁶ Prosecution Request, ICC-01/14-01/18-2679-Conf, para. 3.

⁴⁷ Response to the Prosecution Request, ICC-01/14-01/18-2693-Conf, para. 2.

⁴⁸ Response to the Prosecution Request, ICC-01/14-01/18-2693-Conf, paras 3, 6-27.

⁴⁹ *See for instance*, Request for the Exclusion of Fabricated Evidence, 5 December 2023, ICC-01/14-01/18-2240-Conf (with confidential Annexes A-C and public Annex D) (public redacted version notified on 9 February 2024, ICC-01/14-01/18-2240-Red).

38. In light of the above, the Chamber rejects the Prosecution Request with respect to P-2013's and P-1792's PRTs.

2. *The First Ngaïssona Request*

39. The Ngaïssona Defence requests the submission of eight items of non-testimonial evidence. It submits that three of these items relate to mitigating circumstances,⁵⁰ while the remaining items relate to Mr Ngaïssona's personal circumstances.⁵¹
40. The Prosecution opposes the submission of all items, with the exception of item CAR-D30-0029-0003. It argues that the opposed items 'lack *prima facie* relevance in regard to the pertinent factors set out in articles 76, 68, and Rule 145'.⁵²
41. Item **CAR-D30-0029-0003** comprises an undated invitation by Mr Ngaïssona on behalf of the Anti-Balaka to [REDACTED] to attend a constitutive assembly on 29 November 2014. The Ngaïssona Defence argues that the item shows Mr Ngaïssona's genuine efforts to include all CAR nationals, including Muslim [REDACTED], in his party, the '*Parti centrafricain pour l'unité et le développement*' (the 'PCUD').⁵³
42. Item **CAR-D30-0001-0022** comprises a letter by the '*Association islamique pour la paix*', asking Mr Ngaïssona for financial support in relation to Ramadan 2017. According to the Ngaïssona Defence, the item, which should be read in conjunction with 'the 2012 request for monetary assistance from the same organization', is relevant to show Mr Ngaïssona's lack of anti-Muslim animus before and after the relevant period. According to the Ngaïssona Defence, it further shows that the Muslim community trusted Mr Ngaïssona.⁵⁴ The Prosecution argues that the item is 'well beyond the timeframe of the charged

⁵⁰ CAR-OTP-0029-0003; CAR-OTP-2100-1743; CAR-D30-0001-0022.

⁵¹ CAR-OTP-2092-1021; CAR-D30-0029-0001; CAR-D30-0029-0004; CAR-D30-0029-0002; CAR-D29-0029-0007.

⁵² Response to the First Ngaïssona Defence Request, ICC-01/14-01/18-2688-Conf, paras 1, 3-7.

⁵³ First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Red, para. 9; Annex 1 to the First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Anx1, first entry.

⁵⁴ First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Red, para. 11; Annex 1 to the First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Anx1, third entry.

crimes'. Moreover, it avers that the author's direction of the requested support does not speak to Mr Ngaïssona's intent and that the item does not show Mr Ngaïssona having taken any responsibility.⁵⁵

43. Item **CAR-OTP-2092-1021** is a report by the UN Secretary-General on the situation in the CAR, dated 1 April 2016. The report states, at pages 1021-1022, that the 2016 elections were held peacefully and that Mr Ngaïssona's candidacy was invalidated. The Ngaïssona Defence submits that this 'is probative of Mr Ngaïssona supporting the democratic process despite his candidacy for president being rejected' and specifically 'of Mr Ngaïssona not using his political party to attempt to gain power through violence'.⁵⁶ The Prosecution argues that the referenced pages 1021-1022 of the report, which concern Mr Ngaïssona's political ambitions in 2016, shed no light on the appropriate sentence to be imposed and do 'not demonstrate respect for the rule of law as argued, particularly given that the Anti-Balaka still operated as an unlawful armed militia in CAR at that time'.⁵⁷
44. Items **CAR-D30-0029-0001**⁵⁸ and **CAR-D30-0029-0002**⁵⁹ are video interviews with Mr Ngaïssona on 1 February 2018 and 5 April 2018, respectively, in which he speaks about his role as President at the '*Union des Fédérations de Football d'Afrique Centrale*' and his plans. According to the Ngaïssona Defence, the videos demonstrate that Mr Ngaïssona used football as 'a tool to bring social cohesion and peace' and is relevant for 'rehabilitation purposes'.⁶⁰ The Prosecution submits *inter alia* that, even if these videos demonstrate the accused's purported 'support for democratic processes', neither this fact, nor the *post facto* claim that Mr Ngaïssona used football as a tool to bring social cohesion are relevant sentencing factors.⁶¹

⁵⁵ Response to the First Ngaïssona Defence Request, ICC-01/14-01/18-2688-Conf, para. 6.

⁵⁶ First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Red, para. 15; Annex 1 to the First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Anx1, fourth entry.

⁵⁷ Response to the First Ngaïssona Defence Request, ICC-01/14-01/18-2688-Conf, para. 5.

⁵⁸ Transcript CAR-D30-0029-0004.

⁵⁹ Transcript CAR-D29-0029-0007.

⁶⁰ First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Red, para. 16; Annex 1 to the First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Anx1, fifth to eighth entries.

⁶¹ Response to the First Ngaïssona Defence Request, ICC-01/14-01/18-2688-Conf, para. 7.

45. Item **CAR-OTP-2100-1743** comprises a letter dated 1 May 2015 from [REDACTED] to the signatories of the '*accord sur les principes de DDR et l'intégration dans les Corps en uniforme*', including the Anti-Balaka. The Ngaïssona Defence argues that it is relevant to show that the 'CAR government needed to successfully implement the DDRR agreement' and is linked to the fact that the information that [REDACTED] asked for was provided by Mr Ngaïssona in February 2014.⁶² The Prosecution submits, *inter alia*, that the letter makes no reference to Mr Ngaïssona or any effort made by him concerning the 'DDRR program in 2014'.⁶³
46. Having reviewed the abovementioned items, the Chamber cannot discern any procedural bars to their submission. In light of the above, the Chamber grants the submission of items CAR-D30-0029-0003; CAR-D30-0001-0022; CAR-OTP-2092-1021, pages 1021-1022;⁶⁴ CAR-D30-0029-0001 (transcript CAR-D30-0029-0004); CAR-D30-0029-0002 (transcript CAR-D30-0029-0007) and CAR-OTP-2100-1743 into evidence for the purposes of potential sentencing.

3. *The Second Ngaïssona Request*

47. The Ngaïssona Defence seeks to submit the PRT of D30-4321.
48. Witness **D30-4321** is a [REDACTED], who worked for [REDACTED], one of the leaders of [REDACTED]. In his PRT,⁶⁵ the witness discusses, *inter alia*, having attended the constitutive assembly of Mr Ngaïssona's political party, the PCUD, [REDACTED]. D30-4321 indicates that he wanted to support this initiative in order to bring back peace. Furthermore, the witness notes that Mr Ngaïssona (i) gave a speech about bringing back peace; (ii) generally contributed to social cohesion by organising football matches between Christians and

⁶² First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Red, para. 10; Annex 1 to the First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Anx1, second entry.

⁶³ See also Response to the First Ngaïssona Defence Request, ICC-01/14-01/18-2688-Conf, para 4.

⁶⁴ With respect to CAR-OTP-2092-1021, only pages 1021-1022 are recognised as submitted, considering that they can be assessed in isolation and that the remainder of the report does not contain any information about the accused.

⁶⁵ CAR-D30-0029-0009.

Muslims; and (iii) helped the displaced and the Muslim population, *inter alia*, by giving them money.

49. The Ngaïssona Defence submits that D30-4321's PRT provides important information 'about the role and purpose of the [REDACTED] and the role religious leaders had during and after the conflict', as well regarding Mr 'Ngaïssona's actions to assist the Muslim civilian population'.⁶⁶ It further argues that this PRT establishes that the 'PCUD was a political party created to favour disarmament and was an inclusive political party' and that Mr Ngaïssona made 'a genuine and concrete contribution to the reconciliation of communities in Bangui during the Relevant Period'.⁶⁷
50. The Chamber considers D30-4321's PRT duplicative of evidence already on the record, as acknowledged by the Ngaïssona Defence.⁶⁸ In the Chamber's view, the case record already contains information regarding Mr Ngaïssona's efforts to promote peace and reconciliation,⁶⁹ as well as information on the founding of the PCUD and Mr Ngaïssona's speech at its constitutive assembly in November 2014.⁷⁰ In light of this, the Chamber does not consider D30-4321's PRT necessary for the purposes of potential sentencing.
51. Accordingly, the Chamber rejects the Second Ngaïssona Request.

4. The First Yekatom Request

52. The Yekatom Defence seeks to submit the PRTs of D29-3010, D29-1317, D29-8022, D29-8017, D29-8012, D29-8014, D29-8021, D29-8013, D29-8016, D29-1600, D29-8019, and D29-8020.

⁶⁶ Second Ngaïssona Request, ICC-01/14-01/18-2713-Conf, paras 9-10.

⁶⁷ Second Ngaïssona Request, ICC-01/14-01/18-2713-Conf, para. 10.

⁶⁸ Second Ngaïssona Request, ICC-01/14-01/18-2713-Conf, paras 3, 20, arguing that it is 'cumulative or corroborative of evidence of the record'.

⁶⁹ See for instance **P-0889**: transcript of hearing, ICC-01/14-01/18-T-109-CONF-ENG, p. 72, lines 5-22; **P-0888**: transcript of hearing, ICC-01/14-01/18-T-123-CONF-ENG, p. 82, lines 2-23. See also the Ngaïssona Defence's submissions in the First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Red, para. 7.

⁷⁰ See for instance CAR-OTP-2067-1500; CAR-OTP-2023-2935; CAR-OTP-2087-9110.

53. Noting that a number of PRTs subject to the First Yekatom Request concern the period relevant to the charges, the Chamber considers it prudent to recall the charges against Mr Yekatom at this juncture.
54. Notably, the Chamber recalls that Mr Yekatom is alleged to have committed crimes against Muslims, including the dislocation of (i) ‘nearly all Muslim persons residing in Cattin and Boeing to PK5, a predominantly Muslim neighbourhood in Bangui, other parts of the CAR or neighbouring countries, starting from 5 December 2013 in the context of the attack on Bangui, including Cattin and Boeing, on 5 December 2013’ both as a war crime (Count 5) as well as a crime against humanity, as part of a widespread attack conducted by the Anti-Balaka, between September 2013 and December 2014, against the Muslim civilian population and those perceived as collectively responsible for, complicit with, or supportive of the Seleka (Count 4); and (ii) ‘the majority of the Muslim population from their towns and villages between on or about 10 January 2014 and on or about 6 February 2014, in the context of the Anti-Balaka’s advance through and takeover of villages along the PK9-Mbaïki axis (including Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa, Mbaïki)’ both as a war crime (Count 25) as well as a crime against humanity, as part of a widespread attack conducted by the Anti-Balaka, between September 2013 and December 2014, against the Muslim civilian population and those perceived as collectively responsible for, complicit with, or supportive of the Seleka (Count 24).⁷¹
55. Mr Yekatom is further accused of being responsible for the crime of persecution for the ‘severe deprivation of the fundamental rights of persons in Bangui, including Cattin and Boeing, the Yamwara School Base, and the villages along the PK9-Mbaïki axis, by targeting them on the basis of political, ethnic and/or religious grounds by virtue of the conduct pertaining to counts 1-7, 11-16, 24-27’ (Counts 8, 17, and 28).⁷²

⁷¹ Corrected version of ‘Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona’, 14 May 2020, ICC-01/14-01/18-403-Conf-Corr (initial version notified on 11 December 2019) (the ‘Confirmation of Charges Decision’), pp. 105-107.

⁷² Confirmation of Charges Decision, ICC-01/14-01/18-403-Conf-Corr, pp. 105-107.

(i) Testimonial evidence

56. Witness **D29-3010** is a Muslim and the president of the '*Conseil Supérieur Islamique de Centrafrique*' since 2021 and, in 2010, was the vice president of the '*comité islamique Centrafricain*'. In his PRT,⁷³ he discusses, *inter alia*, (i) his first encounter with Mr Yekatom during a meeting aimed at disarmament and restoration of peace at the MINUSCA, after the election of President Samba-Panza, in which Mr Yekatom introduced himself as a FACA; (ii) initiatives by Mr Yekatom to reopen the Kina, Lakouanga and Mbaïki mosques; (iii) Mr Yekatom participating in a ceremony to encourage social cohesion at the Omnisport stadium in the presence of the witness; (iv) Mr Yekatom being in favour of reopening a Muslim cemetery; and (v) Mr Yekatom's speech during the Bangui Forum organised by President Samba-Panza, stating notably that they came to the Forum to find solutions to bring back peace to the country; that all they did was for the purpose of fighting the Seleka but the civilian population must not be harmed; and that not all Muslims are Seleka and that some Muslims are also victims of the latter.
57. The Yekatom Defence submits that D29-3010's PRT details the genuine and sustained efforts made by Mr Yekatom to bring back peace and security and to promote religious tolerance and social cohesion in the CAR 'after the charged events', as well as shows Mr Yekatom's good intentions and character *vis-à-vis* others. According to the Yekatom Defence, D29-3010's PRT notably 'provides compelling evidence of Mr YEKATOM's genuine attempts to heal societal rifts and promote unity between Christians and Muslims' and 'highlights Mr YEKATOM's efforts in deterring the local population from attacking Muslims thereby reducing his degree of responsibility and intent in the event of conviction'.⁷⁴
58. The Prosecution defers to the Chamber's discretion regarding the introduction of D29-3010's PRT.⁷⁵

⁷³ CAR-D29-0009-0832.

⁷⁴ First Yekatom Request, ICC-01/14-01/18-2678-Conf, para. 23.

⁷⁵ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, para. 6.

59. The Chamber notes that it is unclear when some of the events D29-3010 refers to took place,⁷⁶ and that some events he describes appear to have occurred during the period relevant to the charges.⁷⁷ The Chamber considers that those references do not constitute the core of the witness's evidence. Further noting that D29-3010's PRT shows sufficient indicia of reliability by fulfilling the formal requirements previously set out by the Chamber,⁷⁸ the Chamber finds it appropriate to consider this PRT under Rule 68(2)(b) of the Rules.
60. In light of these considerations, and noting that the Yekatom Defence is the party seeking introduction and that the participants did not object, the Chamber considers that the introduction of D29-3010's PRT is not prejudicial to or inconsistent with the accused's rights and that the interests of justice are better served by its introduction. In this regard, the Chamber particularly notes that this contributes to the expeditiousness of the proceedings and streamlines the presentation of evidence during the sentencing phase.
61. Accordingly, the Chamber grants the introduction into evidence of D29-3010's PRT⁷⁹ for the purposes of potential sentencing.
62. Witness **D29-1317** is a Muslim merchant and *chef de quartier*. In his PRT,⁸⁰ he discusses, *inter alia*, (i) the arrival of the Seleka in Bangui in 2013; (ii) knowing Mr Yekatom as a 'Caporal-Chef' in the FACA, and getting to know him during the events because Mr Yekatom was a ComZone towards the area of Bimbo 3 to Pissa and Mbaïki during the time of the Anti-Balaka; (iii) that he organised a meeting in Bimbo 3 in April or May 2015, in the context of social cohesion and peace-building, to which they asked Mr Yekatom to participate in order to find a solution to ensure the free circulation of Muslims in PK5; (iv) that a few days after the meeting, Mr Yekatom said that he had taken initiatives for Muslims to circulate freely; (v) hearing from the Anti-Balaka youth that Mr Yekatom had gathered ComZones from the sector and warned them against harming Muslims; (vi) that following the meeting, Mr Yekatom would have gone to raise awareness

⁷⁶ See CAR-D29-0009-0832, at 0835-36, paras 17-18, 23.

⁷⁷ See CAR-D29-0009-0832, at 0834-35, paras 15-16, 20.

⁷⁸ See First Rule 68(2)(b) Decision, ICC-01/14-01/18-1833-Corr-Red, para. 45.

⁷⁹ CAR-D29-0009-0832.

⁸⁰ CAR-D29-0009-0838.

in Fatima and stated that he would go to Pissa, Mbaïki and Boda to raise awareness among the youth for social cohesion, in order not to harm Muslims and ensure that Muslims leaving Boda could travel to Bangui to purchase goods freely; (vii) the witness participating in trips to PK55 and to Mbaïki to verify the effectiveness of the initiatives, and meeting with Muslim inhabitants in Mbaïki; and (viii) the witness participating in a visit to Mbaïki after the signature of a non-aggression pact towards 2016 and stating that Muslims circulated freely.

63. The Yekatom Defence submits that D29-1317's PRT details the genuine and sustained efforts made by Mr Yekatom to bring back peace and security and to promote religious tolerance and social cohesion in the CAR 'after the charged events', as well as shows Mr Yekatom's good intentions and character *vis-à-vis* others. Notably, it argues that Mr Yekatom's 'efforts in deterring the local population from attacking Muslim civilians' should be considered in the event of conviction 'as reducing Mr YEKATOM's degree of participation and intent'. Finally, it submits that D29-1317 'reports on the peaceful cohabitation of Muslims in MBAÏKI in 2015/2016 thereby reducing the perceived extent of harm and displacement attributed to Mr YEKATOM in the event of conviction'.⁸¹
64. The Prosecution submits that the Chamber should only limitedly consider D29-1317's PRT, arguing *inter alia* that it largely rehearses evidence on the merits of the case, if not charges, without any definite relationship to appropriate sentencing factors.⁸²
65. The Chamber notes that D29-1317's PRT mainly relates to the conduct of Mr Yekatom and to events that took place after the period relevant to the charges. While D29-1317 refers to some events that took place during that period and to Mr Yekatom's alleged role at the time,⁸³ the Chamber considers that those references are limited and do not constitute the core of the witness's evidence. Further noting that (i) the Yekatom Defence does not rely on these parts of D29-1317's PRT in its submissions,⁸⁴ and (ii) the PRT shows sufficient indicia

⁸¹ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 27-29.

⁸² Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 8-10.

⁸³ See CAR-D29-0009-0838, at 0841, paras 19-20, 24-25.

⁸⁴ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 27-29.

of reliability by fulfilling the formal requirements previously set out by the Chamber,⁸⁵ the Chamber finds it appropriate to consider this PRT under Rule 68(2)(b) of the Rules.

66. In light of these considerations, and noting that the Yekatom Defence is the party seeking introduction, the Chamber considers that the introduction of D29-1317's PRT is not prejudicial to or inconsistent with the accused's rights and that the interests of justice are better served by its introduction. In this regard, the Chamber particularly notes that this contributes to the expeditiousness of the proceedings and streamlines the presentation of evidence during the sentencing phase.
67. Accordingly, the Chamber grants the introduction into evidence of D29-1317's PRT⁸⁶ for the purposes of potential sentencing.
68. Witness **D29-8022** is a Christian and a childhood friend of Mr Yekatom. In his PRT,⁸⁷ the witness discusses, *inter alia*, his participation in a social cohesion meeting between Christians and Muslims at the Fatima church, in the presence of Mr Yekatom, before the events that led to the death of *Abbé Nzalé*. The witness states that, before the meeting, Christians going to PK5 were killed by Muslims, and Muslims going to the 6th *arrondissement* of Bangui were killed. During the meeting, some Muslims congratulated Mr Yekatom for participating in the organisation of the meeting and thanked him for saving their lives. A young Muslim notably told the story of how Mr Yekatom protected him and said that if everyone acted like Mr Yekatom, there would be no killings between Christians and Muslims. According to the witness, Mr Yekatom expressed his wish for peace between both communities.
69. The witness further discusses (i) the meeting participants establishing means of alerting each other in case someone was arrested in their respective zones; (ii) details of an incident involving an arrest of three individuals in PK5 and their release; and (iii) being informed by the Fatima youth that Mr Yekatom saved a

⁸⁵ See First Rule 68(2)(b) Decision, ICC-01/14-01/18-1833-Corr-Red, para. 45.

⁸⁶ CAR-D29-0009-0838.

⁸⁷ CAR-D29-0009-0902.

young Muslim who was almost lynched by the local population, by recalling the recommendations from the social cohesion meeting.

70. The Yekatom Defence submits that D29-8022's PRT details the genuine and proactive efforts made by Mr Yekatom to bring back peace and security and to promote religious tolerance and social cohesion in the CAR 'after the charged events', as well as shows Mr Yekatom's good intentions and character *vis-à-vis* others. According to the Yekatom Defence, D29-8022's PRT 'provides compelling evidence of Mr YEKATOM's genuine attempts to heal societal rifts and promote unity between Christians and Muslims' and 'highlights Mr YEKATOM's efforts in deterring the local population from attacking Muslims thereby reducing his degree of responsibility and intent in the event of conviction'.⁸⁸
71. The Prosecution submits that, while D29-8022's PRT attends to recognised sentencing factors, the Yekatom Defence's arguments in respect of them are tenuous or unsubstantiated.⁸⁹
72. Recalling the allegations against Mr Yekatom,⁹⁰ the Chamber is of the view that D29-8022's PRT concerns the acts and conduct of the accused. Notably, the Chamber considers that D29-8022's PRT touches upon Mr Yekatom's alleged treatment of Muslim individuals during the period relevant to the charges.⁹¹

⁸⁸ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 31-32.

⁸⁹ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 12-13.

⁹⁰ See paragraphs 54-55 above.

⁹¹ See for instance CAR-D29-0009-0902, at 0905, para. 24 ('[...] avant cette réunion, ROMBHOT avait mené plusieurs actions dans le but de sauver des musulmans'), para. 25 ('Pendant la réunion, certains musulmans avaient félicité ROMBHOT d'avoir participé à l'organisation de cette réunion et l'ont remercié d'avoir sauvé leurs vies. Un jeune musulman dont je ne me souviens pas du nom a raconté pendant la réunion qu'il avait été arrêté vers Cattin et a failli être tué vers le secteur de Dameca Cattin. Je ne connais pas personnellement ce jeune mais je pense que c'est un jeune musulman de PK5. Il a ajouté que c'est ROMBHOT qui lui a sauvé la vie en le protégeant. Il a dit « si tout le monde agissait comme ROMBHOT, il n'y aurait pas de tueries entre chrétiens et musulmans »'), at 0907, para. 34 ('Avant cet incident, ROMBHOT avait sauvé un jeune musulman à Fatima Bercy. Il a été arrêté par la population et ROMBHOT a été appelé. Le jeune avait une grenade et il a failli être lynché. C'est grâce à l'intervention de ROMBHOT qu'il a été sauvé. [...] [Les jeunes de Fatima] ont dit que ROMBHOT a sauvé un jeune en rappelant les recommandations de la réunion de cohésion sociale mais certaines personnes étaient mécontentes'). The Chamber notes that the meeting D29-8022 discusses allegedly took place before the events that occurred at the Fatima church and that led to the death of Abbé Nzalé (see CAR-D29-0009-0902, at 0905, para. 22), which according to other evidence on the record happened in May 2014 (see for instance CAR-OTP-2001-4891 and CAR-D29-0002-0139).

73. In light of the above, the Chamber considers that D29-8022's PRT is not suitable for introduction under Rule 68(2)(b) of the Rules. Accordingly, it rejects the First Yekatom Request with respect to this witness.
74. Witness **D29-8017** is a Christian wood merchant in Bangui and has known Mr Yekatom since primary school. In his PRT,⁹² he discusses, *inter alia*, (i) that Mr Yekatom helped the witness a lot and notably attempted to find a wheelchair for his paralysed spouse; (ii) Mr Yekatom and D29-8017 not seeing each other when the Seleka arrived in Bangui, but reconnecting when Mr Yekatom became a 'député'; (iii) the witness attending a football game organised on the Sagbado field to encourage social cohesion between Muslims and Christians, in the presence of Mr Yekatom; (iv) Mr Yekatom telling the witness that he did not want people to harm Muslims and that they should raise awareness around them, that Muslims were their brothers, and advising the witness not to take up arms; (v) Mr Yekatom helping the population when he was a 'député'; (vi) Mr Yekatom's project to build a school in Kapou; and (vii) Mr Yekatom creating a security company, 'KOYA Sécurité', and employing youth from different neighbourhoods to help them and lower the unemployment rate.
75. The Yekatom Defence submits that D29-8017's PRT details the genuine and proactive efforts made by Mr Yekatom to bring back peace and security and to promote religious tolerance and social cohesion in the CAR 'after the charged period', as well as shows Mr Yekatom's good intentions and character *vis-à-vis* others.⁹³
76. The Prosecution submits that, while D29-8017's PRT falls within the parameters of Rule 145(2) of the Rules, the Yekatom Defence's arguments in respect of them are weak, if not untenable.⁹⁴
77. The Chamber notes that D29-8017's PRT mainly relates to the conduct of Mr Yekatom after the period relevant to the charges. The Chamber is satisfied that it does not go to proof of the accused's acts and conduct within the meaning

⁹² CAR-D29-0009-0845.

⁹³ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 36-37.

⁹⁴ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 14-16.

of Rule 68(2)(b) of the Rules. It further finds that it shows sufficient indicia of reliability. Notably, it was obtained by fulfilling the formal requirements previously set out by the Chamber.⁹⁵

78. In light of these considerations, and noting that the Yekatom Defence is the party seeking introduction, the Chamber considers that its introduction is not prejudicial to or inconsistent with the accused's rights and that the interests of justice are better served by its introduction. In this regard, the Chamber particularly notes that this contributes to the expeditiousness of the proceedings and streamlines the presentation of evidence during the sentencing phase.
79. Accordingly, the Chamber grants the introduction into evidence of D29-8017's PRT⁹⁶ for the purposes of potential sentencing.
80. Witness **D29-8012** has been a journalist for radio Ndeke Luka in Mbaïki since 2010. In his PRT,⁹⁷ he discusses, *inter alia*, (i) residing in Mbaïki when the Seleka arrived in the town, fleeing to the border with Congo because the Seleka did not like one of his articles, and returning to Mbaïki one week after President Samba-Panza's visit; (ii) meeting Mr Yekatom after the Anti-Balaka had arrived in Mbaïki, in the context of a football game; (iii) that, at the time of his first encounter with Mr Yekatom, Muslims of Chadian nationality had already left Mbaïki, but Muslims of the CAR nationality remained, and that it was the Chadian consulate that requested that convoys pick them up in Mbaïki; (iv) Mr Yekatom organising sport activities between Muslims and non-Muslims of the CAR nationality in the Lobaye region, in order to foster social cohesion and intercommunal peace, and introducing himself to Mr Yekatom as a journalist to cover these events; (v) that, following their first encounter, he met with Mr Yekatom several times a week to conduct interviews; (vi) that Mr Yekatom wanted peace to prevail in the region and was against pillaging and theft, and that he notably accompanied Mr Yekatom to report on pillages, describing Mr Yekatom's actions in that context; (vii) never hearing Mr Yekatom make any hateful comments against Muslims; (viii) Mr Yekatom continuing to organise

⁹⁵ See First Rule 68(2)(b) Decision, ICC-01/14-01/18-1833-Corr-Red, para. 45.

⁹⁶ CAR-D29-0009-0845.

⁹⁷ CAR-D29-0009-0850.

sport activities during the campaign leading to the elections, and (ix) not covering Mr Yekatom's activities after his election to the National Assembly.

81. The Yekatom Defence submits that D29-8012's PRT details the genuine and sustained efforts made by Mr Yekatom to bring back peace and security and to promote religious tolerance and social cohesion in the CAR 'after the charged period', as well as shows Mr Yekatom's efforts to restore order, and his good intentions and character *vis-à-vis* others. According to the Yekatom Defence, D29-8012's PRT further 'highlights Mr YEKATOM's efforts to deter the local population from committing pillages thereby reducing his degree of responsibility and intent in the event of conviction'. Further, the Yekatom Defence argues that D29-8012's 'account of the organisation of the Muslims' departure by the Chadian authorities is a factor that minimises Mr YEKATOM's degree of participation and intent' in the event of conviction, 'since this decision was taken independently of Mr YEKATOM's involvement and prior to his arrival in MBAÏKI'.⁹⁸
82. The Prosecution submits that D29-8012's PRT exceeds the bounds of the factors going to the Chamber's determination of the appropriate sentence. Notably, it argues that the witness's assertion that it was the Chadian consulate that requested the convoys to pick up the Muslims in Mbaïki goes to the merits of the case, and in any event has no factual or legal impact on Mr Yekatom's culpability or the gravity of his crimes.⁹⁹
83. Recalling the allegations against Mr Yekatom,¹⁰⁰ the Chamber is of the view that D29-8012's PRT concerns the acts and conduct of the accused, as well as issues materially in dispute between the parties. Notably, the Chamber considers that D29-8012's PRT touches upon the alleged displacement of Muslims from Mbaïki

⁹⁸ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 39-41.

⁹⁹ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 18-21.

¹⁰⁰ See paragraphs 54-55 above.

in the context of the Anti-Balaka's advance through and takeover of villages along the PK9-Mbaïki axis.¹⁰¹

84. In light of the above, the Chamber considers that D29-8012's PRT is not suitable for introduction under Rule 68(2)(b) of the Rules. Accordingly, it rejects the First Yekatom Request with respect to this witness.
85. Witness **D29-8014** joined the FACA in 2009. In his PRT,¹⁰² he discusses, *inter alia*, (i) starting to work at the B3 chief-of-staff offices as a *soldat première classe* in 2011-2012, at the time the Seleka took control of Ndélé and Birao; (ii) working with Mr Yekatom, who was at the time '*Caporal-Chef*' and chief of the B3 archives office, and describing him as a military who was not resentful and had self-control; (iii) Mr Yekatom continuing to work under the Seleka when the latter took over Bangui in 2013, having no difficulty doing so and working in the same way as before; (iv) that Mr Yekatom was assaulted by Seleka elements on his way to work; (v) that Mr Yekatom came back to work a few days later and reported the assault to Abdel Kader, the deputy chief of staff who was part of the Seleka, and then suddenly disappeared; and (vi) travelling home from work with Mr Yekatom and feeling that he could discuss freely with him despite him being his military superior.
86. The Yekatom Defence submits that D29-8014's PRT shows Mr Yekatom's character and conduct *vis-à-vis* others 'well before the period covered by the charges', and notably sheds light on his 'resolute commitment to fulfilling his military duties even during an opposing regime and political disorder'.¹⁰³
87. The Prosecution submits that D29-8014's PRT exceeds the bounds of the appropriate factors for the Chamber to consider at the sentencing stage.¹⁰⁴

¹⁰¹ See CAR-D29-0009-0850, at 0852, para. 17: '*J'ai rencontré Yekatom après que les Anti balaka soient arrivés à Mbaïki. Les ressortissants Tchadiens de confession musulmane étaient déjà partis quand je l'ai rencontré. Ce sont les ressortissants Centrafricains de confession musulmane, ceux qui se sont convertis à l'Islam, qui sont restés. C'est le consul du Tchad qui a fait la demande pour que des convois viennent les chercher à Mbaïki*'.

¹⁰² CAR-D29-0009-0855.

¹⁰³ First Yekatom Request, ICC-01/14-01/18-2678-Conf, para. 45.

¹⁰⁴ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 22-24.

88. The Chamber is satisfied that D29-8014's PRT does not go to proof of the accused's acts and conduct within the meaning of Rule 68(2)(b) of the Rules. It further finds that it shows sufficient indicia of reliability. Notably, it was obtained by fulfilling the formal requirements previously set out by the Chamber.¹⁰⁵
89. In light of these considerations, and noting that the Yekatom Defence is the party seeking introduction, the Chamber considers that the introduction of D29-8014's PRT is not prejudicial to or inconsistent with the accused's rights and that the interests of justice are better served by its introduction. In this regard, the Chamber particularly notes that this contributes to the expeditiousness of the proceedings and streamlines the presentation of evidence during the sentencing phase.
90. Accordingly, the Chamber grants the introduction into evidence of D29-8014's PRT¹⁰⁶ for the purposes of potential sentencing.
91. Witness **D29-8021** is a Muslim woman who lived in Cattin until 2013. In her PRT,¹⁰⁷ the witness discusses, *inter alia*, (i) the 5 December 2013 attack on Bangui and that she and her siblings were told to leave by armed Muslims; (ii) not seeing Mr Yekatom during this time; (iii) knowing Mr Yekatom since she was a child as they lived in the same area and that he was like a family member; (iv) that she never saw him '*faire du mal à autrui*' and that he interacted with individuals of all religions; and (v) other individuals of Muslim faith telling her that Mr Yekatom helped them during the period relevant to the charges.
92. The Yekatom Defence submits that the PRT demonstrates genuine and proactive efforts by Mr Yekatom to bring back peace and security and to promote religious tolerance and social cohesion in the CAR 'during and after the charged period'. Moreover, the Yekatom Defence argues that it shows his good intentions and character *vis-à-vis* others, his generosity and commitment towards his community and several external factors that should be considered to minimise Mr Yekatom's

¹⁰⁵ See First Rule 68(2)(b) Decision, ICC-01/14-01/18-1833-Corr-Red, para. 45.

¹⁰⁶ CAR-D29-0009-0855.

¹⁰⁷ CAR-D29-0009-0895.

degree of participation and intent, such as ‘armed Muslims going door to door on 5 December 2013 inciting the Muslim civilian population to flee’.¹⁰⁸

93. The Prosecution submits that D29-8021’s PRT is not appropriate for submission at this stage, arguing *inter alia* that it comprises ‘another attempt by the Defence to litigate the merits of the case under the guise of sentencing evidence’.¹⁰⁹
94. Recalling the allegations against Mr Yekatom,¹¹⁰ and further noting that he is alleged to have been in Bangui, including Cattin, on 5 December 2013,¹¹¹ the Chamber is of the view that D29-8021’s PRT concerns the acts and conduct of the accused and issues materially in dispute between the parties. Notably, the PRT touches upon Mr Yekatom’s whereabouts during the 5 December 2013 attack in Bangui,¹¹² the alleged displacement of Muslims from Bangui following 5 December 2013 by the Anti-Balaka,¹¹³ and Mr Yekatom’s alleged intent towards Muslims underlying the charged crimes during this time.¹¹⁴
95. In light of the above, the Chamber considers that D29-8021’s PRT is not suitable for introduction under Rule 68(2)(b) of the Rules. Accordingly, it rejects the First Yekatom Request with respect to this witness.
96. Witness **D29-8013** is a Muslim man who [REDACTED]. In his PRT,¹¹⁵ he discusses, *inter alia*, that (i) the Seleka told the Muslims to leave [REDACTED] and that most Muslims went to Mbaïki before the Anti-Balaka arrived; (ii) Mr Yekatom at some point arrived [REDACTED] and stayed until 2015 and installed his elements [REDACTED]; (iii) Mr Yekatom prohibited his men from taking the population’s goods with force; and (iv) Mr Yekatom told the population [REDACTED] that he did not come to kill Muslims and that everyone can

¹⁰⁸ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 49-51.

¹⁰⁹ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 26-28.

¹¹⁰ See paragraphs 54-55 above.

¹¹¹ See e.g. Confirmation of Charges Decision, ICC-01/14-01/18-403-Conf-Corr, para. 88.

¹¹² See for instance CAR-D29-0009-0895, at 0897-0898, paras 20-23: ‘*Je n’ai pas vu Alfred Rhombot Yekatom pendant tout ce temps.*’

¹¹³ See for instance CAR-D29-0009-0895, at 0897-0898, para. 20: ‘*Des musulmans [...] armés [...] et ils nous ont intimé l’ordre de sortir. [...] Ils nous ont demandé de partir sinon on sera égorgé par les Balaka.*’

¹¹⁴ See for instance CAR-D29-0009-0895, at 0899, para. 30: ‘*Pendant la période la plus forte de la crise, [...] C’est Rhombot qui le [the witness’s Muslim relative] protégeait.*’

¹¹⁵ CAR-D29-0009-0861.

practice their religion. The witness further gives a number of examples of Mr Yekatom's behaviour towards the Muslim population.

97. The Yekatom Defence argues that his PRT demonstrates Mr Yekatom's genuine and sustained efforts to bring back peace and security and to promote tolerance and social cohesion 'after the charged period', as well as his good intentions and character *vis-à-vis* the Muslim population.¹¹⁶ Moreover, it submits that the PRT shows 'several external factors that should be considered to minimise Mr Yekatom's degree of participation and intent', such as the role played by the Seleka in 'inciting the displacement of Muslims' from [REDACTED] to Mbaïki.¹¹⁷
98. The Prosecution opposes the request, submitting that the PRT 'is of such marginal relevance (if at all) to the issues at sentence as to be of no plausible value to the Chamber's determination'.¹¹⁸
99. Recalling the allegations against Mr Yekatom,¹¹⁹ the Chamber is of the view that D29-8013's PRT concerns the acts and conduct of the accused and issues materially in dispute between the parties. Notably, the PRT touches upon Mr Yekatom's alleged treatment¹²⁰ and displacement¹²¹ of the Muslim population during the period relevant to the charges.
100. In light of the above, the Chamber considers that D29-8013's PRT is not suitable for introduction under Rule 68(2)(b) of the Rules. Accordingly, it rejects the First Yekatom Request with respect to this witness.

¹¹⁶ First Yekatom Request, ICC-01/14-01/18-2678-Conf, para. 55.

¹¹⁷ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 56-57.

¹¹⁸ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 30-32.

¹¹⁹ See paragraphs 54-55 above.

¹²⁰ CAR-D29-0009-0861, at 0864, para. 26 ('*Quand Rombhot est arrivé [REDACTED] il a dit je ne suis pas venu pour tuer les musulmans, que chacun reste et pratique sa religion*'), para. 28 ('*J'ai appris que lorsque tous les musulmans étaient à Mbaïki avec leurs bagages à côté, la population était prête à leur faire du mal et quand Rombhot est arrivé il a empêché les gens de faire du mal aux musulmans*'), at 0866-0867, paras 40-41 ('*Pendant la fête de Ramadan [2014], il appelait ses éléments et leur demandait de cotiser pour que je fête la fin du Ramadan. Il donnait 5000 fcfa et les éléments donnaient entre 500 et 1000 fcfa. J'avais eu au total la somme de 16.000 fcfa qu'il m'avait demandé de remettre à ma femme pour faire la fête du Ramadan*').

¹²¹ CAR-D29-0009-0861, at 0864, para. 21: '*Le comezone SELEKA nous a dit tous les musulmans devaient quitter [...] Les musulmans sont partis pour Mbaïki avant l'arrivée des Anti-balaka*'.

101. Witness **D29-8016** is a Christian forestry technician and mechanic from Bangui. In his PRT,¹²² the witness discusses, *inter alia*, (i) knowing Mr Yekatom since they were children; (ii) that, around the time when Samba-Panza was the president and Kamoun was the prime minister, Habib Beina told the witness close to the PK9 barrier that Mr Yekatom and his group do not attack Muslims and that their only objective was the Seleka and Djotodia; (iii) Mr Yekatom organising football matches in Sagbado and Pissa with the goal of social cohesion at the time during Samba-Panza's presidency and before he became a '*député*'; and (iv) buying school benches in Bossongo and Pissa.
102. The Yekatom Defence submits that his evidence shows Mr Yekatom's genuine and sustained efforts to bring back peace and security and to promote religious tolerance, unity and social cohesion 'after the charged events', his good intentions and character and dedication to ensure that Muslims could live without fear of being harmed, and generosity. Moreover, it submits that D29-8016's conversation with Habib Beina should be considered for the purposes of 'reducing Mr YEKATOM's degree of intent pursuant to Rule 145(1)(c)'.¹²³
103. The Prosecution opposes the request, arguing that it is an attempt to relitigate the case on the merits and exceeds the scope of the appropriate sentencing factors.¹²⁴
104. Recalling the allegations against Mr Yekatom,¹²⁵ the Chamber is of the view that D29-8016's PRT concerns the acts and conduct of the accused and issues materially in dispute between the parties. Notably, the PRT touches upon Mr Yekatom's instructions to his alleged subordinate Habib Beina¹²⁶ and alleged intent with respect to the commission of crimes against Muslims.¹²⁷

¹²² CAR-D29-0009-0876.

¹²³ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 59-60.

¹²⁴ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 34-37.

¹²⁵ See paragraphs 54-55 above.

¹²⁶ See for instance Prosecution's Trial Brief, 10 November 2020, ICC-01/14-01/18-723-Conf (public redacted version notified on 4 March 2021) (with confidential Annexes A-E), para. 322.

¹²⁷ See in particular CAR-D29-0009-0876, at 0878, para. 17: '*Je me souviens que celui qui était souvent à côté de YEKATOM et qui est décédé, HABIB BEINA qui était posté à PK9, m'a dit que YEKATOM et son groupe n'attaquait pas et ne s'en prenait pas aux musulmans, il ne fallait pas attaquer les musulmans et que leur seul objectif était la SELEKA et DJOTODIA*'.

105. In light of the above, the Chamber considers that D29-8016's PRT is not suitable for introduction under Rule 68(2)(b) of the Rules. Accordingly, it rejects the First Yekatom Request with respect to this witness.
106. Witness **D29-1600** was the vicar of the cathedral in Mbaïki from 2009 to 2023. In his PRT,¹²⁸ the witness discusses, *inter alia*, (i) the creation of an interreligious platform in January 2013; (ii) the arrival of the Seleka in Mbaïki; (iii) an incident in Mbata which occurred before Mr Yekatom arrived; (iv) the Seleka asking Muslims to group in Mbaïki and the Muslims that gathered there being armed; (v) Mr Yekatom attending the meeting at *St-Jeanne D'Arc* in Mbaïki around January or February 2014 and stating that he had no problems with the Muslims, and pictures of this meeting;¹²⁹ (vi) the Muslims' departure with the Chadian convoy in February 2014; (vii) some Muslims returning to Mbaïki by the time the witness was interviewed;¹³⁰ (viii) Mr Yekatom contributing to the peace in Mbaïki; (ix) Mr Yekatom starting the construction of a school when he became '*député*'; (x) Mr Yekatom founding a security company named Koya in which he employed 'vagrants'; and (xi) his knowledge of certain individuals in Mbaïki. The PRT is accompanied by an annex attesting to the sale of a Muslim woman's property (CAR-D29-0009-0818), in which the witness was involved.
107. The Yekatom Defence submits that this evidence shows Mr Yekatom's genuine and sustained efforts to bring back peace and security and to promote religious tolerance and social cohesion 'during and after the charged events', his good intentions and character and commitment to protect Muslims.¹³¹ The Yekatom Defence further argues that the PRT is also relevant with regard to the gravity of the crime(s) in terms of number of victims and evaluation of damage caused to them,¹³² and includes 'external factors that should be considered to minimise Mr YEKATOM's degree of participation and intent'.¹³³

¹²⁸ CAR-D29-0009-0819.

¹²⁹ CAR-D29-0010-0165; CAR-D29-0010-0178.

¹³⁰ The witness was interviewed on 13-14 August 2024.

¹³¹ First Yekatom Request, ICC-01/14-01/18-2678-Conf, para. 63.

¹³² First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 64-65.

¹³³ First Yekatom Request, ICC-01/14-01/18-2678-Conf, para. 66.

108. The Prosecution asks the Chamber to reject the request insofar as it attempts to recite the events in Mbaiki ‘without any connection to the conduct of [Mr Yekatom] bearing on a relevant sentencing’ or where the evidence goes ‘to the merits of the charges’. It further submits that the construction of a school in Kapou after becoming MP or Mr Yekatom’s employment of vagrants is not instructive in determining the appropriate sentence.¹³⁴
109. Recalling the allegations against Mr Yekatom,¹³⁵ the Chamber is of the view that D29-1600’s PRT concerns the acts and conduct of the accused and issues materially in dispute between the parties. Notably, the PRT touches upon Mr Yekatom’s attitude towards Muslims, in particular regarding the circumstances of the alleged dislocation of Muslims along the PK9-Mbaiki axis.¹³⁶ The Chamber disagrees with the Yekatom Defence that these references are ‘peripheral’.¹³⁷ On the contrary, the Chamber is of the view that they constitute a significant part of the PRT. The Chamber further notes that the majority of the PRT is highly duplicative of the evidence already on the case record,¹³⁸ and that some parts bear no connection to Mr Yekatom at all.¹³⁹
110. In light of the above, the Chamber considers that D29-1600’s PRT is neither suitable for introduction under Rule 68(2)(b) of the Rules nor otherwise necessary for the purposes of potential sentencing. Accordingly, it rejects the First Yekatom Request with respect to this witness.

¹³⁴ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 38-40.

¹³⁵ See paragraphs 54-55 above.

¹³⁶ See for instance CAR-D29-0009-0819, at 0823-0824, paras 29-33 entitled ‘*Mouvement des musulmans des villages environnants vers MBAÏKI*’ and ‘*Musulmans de MBAÏKI armés*’; CAR-D29-0009-0819, at 0825, para. 40: ‘*Durant la réunion, ROMBHOT a pris la parole et a expliqué que son seul ennemi était les Seleka et Djotodia et qu’il n’a pas de problème avec la communauté musulmane et chrétienne*’.

¹³⁷ First Yekatom Request, ICC-01/14-01/18-2678-Conf, para. 84, with reference to paras 34-44 of D29-1600’s PRT.

¹³⁸ See for instance, regarding the meeting at the *St-Jeanne d’Arc* church: **P-2353**: statement, CAR-OTP-2100-0226, at 0235-0237 and transcript of hearing, ICC-01/14-01/18-T-161-CONF-ENG, p. 24, line 8 – p. 25, line 20; **P-1838**: transcript of hearing, ICC-01/14-01/18-T-215-ENG, p. 24, line 15 – p. 25, line 16; **D29-5015**: transcript of hearing, ICC-01/14-01/18-T-254-CONF-ENG, p. 42, line 22 – p. 46, line 1; **D29-5013**: transcript of hearing, ICC-01/14-01/18-T-285-CONF-ENG, p. 37, line 8 – p. 44, line 9.

¹³⁹ See for instance CAR-D29-0009-0819, at 0829-0830, paras 66-72 concerning ‘*Personnalités de MBAÏKI*’; at 0822-0823, paras 25-28 concerning an incident in Mbata before Mr Yekatom arrived, which the Yekatom Defence itself describes as having ‘no link whatsoever to Mr YEKATOM’, see First Yekatom Request, ICC-01/14-01/18-2678-Conf, para. 66.

111. Witness **D29-8019** was a Christian ‘*conseiller national de transition*’ between 2013 and 2016 and a ‘*député*’ thereafter. In his PRT,¹⁴⁰ he discusses, *inter alia*, (i) the voluntary disarmament organised by Mr Yekatom at the gendarmerie of Pissa in 2014 or 2015 during Kamoun’s time as prime minister and again later during Touadera’s presidency; (ii) the Brazzaville Forum; (iii) the Bangui Forum; (iv) Mr Yekatom’s election as a ‘*député*’; (v) Karim Meckassoua’s attempted impeachment in 2018; (vi) Mr Yekatom’s interventions at the general assembly to establish peace; (vii) Mr Yekatom being one of the first to help the injured and appease the Christian population after an incident at the Fatima church occurred in May 2018; (viii) Mr Yekatom building two schools in Lesse and Kapou and a health centre in Bossongo; (ix) Mr Yekatom creating a security company which created work and opportunities for the youth; and (x) Mr Yekatom creating an NGO to deliver aid to the rural population.
112. The Yekatom Defence submits that his evidence shows Mr Yekatom’s genuine and sustained efforts to bring back peace and security and to promote religious tolerance and social cohesion ‘after the charged period’, his good intentions and character *vis-à-vis* others, and dedication to ensure that Muslims and Christians live peacefully together.¹⁴¹
113. The Prosecution argues that the PRT should be rejected ‘insofar as it exceeds the proper scope of relevant sentencing’. It submits that parts of the PRT have ‘no apparent relevance to the events in which [Mr Yekatom] allegedly took part in 2013 and 2014 as an Anti-Balaka leader’, others concern the accused’s conduct ‘after the fact’, which it submits have ‘no clear bearing on his status, intent, participation, or even character’.¹⁴²
114. The Chamber notes that the PRT contains references to Mr Yekatom’s acts and conduct in relation to voluntary disarmament efforts. However, given that the witness is unsure whether these took place in 2014 or 2015,¹⁴³ the Chamber is unable to determine whether these acts concern the acts and conduct of the

¹⁴⁰ CAR-D29-0009-0881.

¹⁴¹ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 68-69.

¹⁴² Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, para. 41.

¹⁴³ CAR-D29-0009-0881, at 0883, para. 19.

accused within the meaning of Rule 68(2)(b) of the Rules. Further noting that (i) the Yekatom Defence does not rely on this part of D29-8019's PRT in its submissions;¹⁴⁴ (ii) it does not constitute the core of the witness's evidence; and (iii) the PRT shows sufficient indicia of reliability by fulfilling the formal requirements previously set out by the Chamber,¹⁴⁵ the Chamber finds it appropriate to consider this PRT under Rule 68(2)(b) of the Rules.

115. While the parts of the PRT relating to the Bangui and Brazzaville Forums¹⁴⁶ are repetitive of the evidence already on the record, the Chamber observes that the majority of the PRT details Mr Yekatom's actions after he was elected '*député*'.
116. In light of these considerations, and noting that the Yekatom Defence is the party seeking introduction, the Chamber considers that the introduction of D29-8019's PRT is not prejudicial to or inconsistent with the accused's rights and that the interests of justice are better served by its introduction. In this regard, the Chamber particularly notes that this contributes to the expeditiousness of the proceedings and streamlines the presentation of evidence during the sentencing phase.
117. Accordingly, the Chamber grants the introduction into evidence of D29-8019's PRT¹⁴⁷ for the purposes of the potential sentencing.
118. Witness **D29-8020** is a Christian man and [REDACTED], in the Pissa municipality, during the period relevant to the charges. In his PRT,¹⁴⁸ he discusses, *inter alia*, (i) the arrival of the Seleka in [REDACTED] on 2 April 2013 and events that took place in the area at the time; (ii) the arrival of the Anti-Balaka in [REDACTED] in 2013; (iii) meeting Mr Yekatom during the events in 2013-2014, when he arrived in [REDACTED], at a time when Seleka elements of foreign nationalities had fled but CAR Seleka elements remained; (iv) Mr Yekatom enquiring [REDACTED] because he was worried about the behaviour of the Seleka elements billeted in Berengo towards the population; (v) Mr

¹⁴⁴ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 68-69.

¹⁴⁵ See First Rule 68(2)(b) Decision, ICC-01/14-01/18-1833-Corr-Red, para. 45.

¹⁴⁶ CAR-D29-0009-0881, at 0884, paras 22-27.

¹⁴⁷ CAR-D29-0009-0881.

¹⁴⁸ CAR-D29-0009-0888.

Yekatom's actions in the area at the time, notably providing the Seleka with tools for them to earn money and keep them from stealing; (vi) in 2016, before his election, Mr Yekatom protecting 'his zone' against poachers that targeted Mbororos, as well as ensuring the security of the population in Lesse and Pissa; and (vii) Mr Yekatom's actions in the area after his election as '*député*'.

119. The Yekatom Defence submits that D29-8020's PRT details the genuine and sustained efforts made by Mr Yekatom to bring back peace and security and to promote religious tolerance and social cohesion in the CAR 'after the charged period', as well as shows Mr Yekatom's good intentions and character *vis-à-vis* others. According to the Yekatom Defence, D29-8020's PRT further 'details the SELEKA's misconduct which led to widespread distrust among the local population', which should be taken into account in the event of conviction 'to minimise his degree of participation and intent'.¹⁴⁹
120. The Prosecution defers to the Chamber's discretion with regard to D29-8020's PRT, but notably submits that it presents claims that are totally irrelevant to any sentencing factor.¹⁵⁰
121. Recalling the allegations against Mr Yekatom,¹⁵¹ the Chamber is of the view that D29-8020's PRT concerns the acts and conduct of the accused. Notably, the Chamber considers that D29-8020's PRT touches upon Mr Yekatom's activities in relation to Seleka based in Berengo during the relevant period.¹⁵²

¹⁴⁹ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 73-75.

¹⁵⁰ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 42-43.

¹⁵¹ See paragraphs 54-55 above.

¹⁵² See for instance CAR-D29-0009-0888, at 0891, paras 27-28 ('*J'ai connu Rombhot pendant les événements de 2013/2014 lorsqu'il était arrivé [REDACTED]. 'Je l'ai connu parce qu'il s'inquiétait et il voulait savoir si les Seleka qui étaient cantonnés à Berengo se comportaient correctement. Il faut savoir que les Seleka qui étaient de nationalités étrangères avaient fui mais ceux qui étaient des Centrafricains et qui venaient de Bambari, Berberati, Bangui et de plusieurs zones de la RCA étaient restés*'), at 0892, paras 31-32 ('*Rombhot a constaté [que les Seleka qui étaient restés à Berengo] menaient une vie difficile. Il a acheté une pompe et des outils de dépannage de motos tels que des clés et il les a remis aux Seleka pour qu'ils fassent des bricoles et pour qu'ils gagnent un peu d'argent pour se nourrir.*' '*Pendant cette période, les Seleka commettaient beaucoup de vols. Rombhot leur a remis ces outils pour qu'ils cessent de voler et pour éviter des troubles*').

122. In light of the above, the Chamber considers that D29-8020's PRT is not suitable for introduction under Rule 68(2)(b) of the Rules. Accordingly, it rejects the First Yekatom Request with respect to this witness.

(ii) ICPM Requests

123. The Chamber recalls the applicable law as previously set out, including *inter alia*, the principle of publicity and the exceptions thereto.¹⁵³

124. The Yekatom Defence requests that the identities of D29-3010, D29-1317, D29-8021, D29-8013, and D29-8020 not be disclosed to the public as they fear retaliation and stigmatisation by other Muslims who may criticise them for testifying for the Yekatom Defence, despite being Muslims themselves.¹⁵⁴ The Yekatom Defence further requests that D29-8017's identity not be disclosed to the public as he fears retaliation or stigmatisation by others who may criticise him for testifying for the Yekatom Defence, which is compounded by D29-8017's testimony about sharing a close relationship with Mr Yekatom.¹⁵⁵

125. In addition, the Yekatom Defence requests that D29-8014's identity not be disclosed to the public, arguing that an objectively justifiable risk to the witness's legitimate interests stems from the current political climate, exacerbated by ongoing disinformation campaigns against the ICC. Further, it submits that as a FACA, D29-8014 could face genuine consequences should his identity and cooperation with the Yekatom Defence become known.¹⁵⁶

126. The Prosecution opposes the ICPM Requests for 'lack of any plausibly objective basis'.¹⁵⁷

¹⁵³ See Decision on the Prosecution's Requests for Non-Publication of and Redactions to Prior Recorded Testimony of Certain Witnesses, 30 October 2023, ICC-01/14-01/18-2170-Conf-Exp, confidential *ex parte*, only available to the Prosecution (confidential redacted version notified the same day, ICC-01/14-01/18-2170-Conf-Red), para. 10 *and the references therein*.

¹⁵⁴ First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 21 (D29-3010), 25 (D29-1317), 47 (D29-8021), 53 (D29-8013), 71 (D29-8020).

¹⁵⁵ First Yekatom Request, ICC-01/14-01/18-2678-Conf, para. 34.

¹⁵⁶ First Yekatom Request, ICC-01/14-01/18-2678-Conf, para. 43.

¹⁵⁷ Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 1, 7, 11, 17, 25, 29, 33, 44.

127. The Chamber notes that the Yekatom Defence appears to largely base its requests on the witnesses' perceived risks of retaliation or stigmatisation. Further, concerning D29-8014 specifically, the Chamber finds that the risk alleged by the Yekatom Defence is particularly broad and speculative.
128. In the absence of any information on specific threats or other relevant circumstances that can be clearly linked to the existence of a specific risk, the Chamber cannot discern an objectively justifiable risk to the witnesses' legitimate interests. Accordingly, the Chamber rejects the ICPM Requests.

5. The Second Yekatom Request

129. The Yekatom Defence seeks to submit the PRTs of D29-8024, D29-8026, D29-8023 and D29-8025.
130. Witness **D29-8024** is a Muslim woman and ex-partner of Mr Yekatom, whom she had a daughter with in 2004. In her statement,¹⁵⁸ D29-8024 discusses, *inter alia*, (i) her meeting with Mr Yekatom and his relationship with her and her family, notably him being respectful of their Muslim faith; (ii) her visit to and relationship with Mr Yekatom's family, with her faith not being an issue; (iii) her separation with Mr Yekatom and Mr Yekatom's relationship with their daughter, including him providing for her education and care and being respectful of the practice of her Muslim faith, notably during her visit to The Hague. The witness further comments on a photograph of her daughter (CAR-D29-0009-0926), which D29-8024 took on the day she travelled to The Hague to visit Mr Yekatom.
131. Witness **D29-8026** is D29-8024's brother and Mr Yekatom's former brother-in-law. In his PRT,¹⁵⁹ D29-8026 discusses, *inter alia*, (i) Mr Yekatom's relationship with D29-8024 and their family, notably his helping the family regularly and taking care of the daughter he had with D29-8024; (ii) meeting Mr Yekatom in Bozoum in 2005; and (iii) his observations of Mr Yekatom's conduct towards

¹⁵⁸ CAR-D29-0009-0909.

¹⁵⁹ CAR-D29-0009-0916.

people under his watch in the context of his military work, as well as towards people of Muslim faith, including D29-8026.

132. Witness **D29-8023** is a Christian man, who is a childhood friend and neighbour of Mr Yekatom when they lived in Cattin. In his PRT,¹⁶⁰ D29-8023 discusses, *inter alia*, (i) Mr Yekatom's youth and family situation, notably coming from a family that did not have a lot of money and doing small jobs to help their families; (ii) Mr Yekatom leaving for Congo Brazzaville when he was 22 to work; (iii) Mr Yekatom's actions to help people from the neighbourhood, notably employing youths and giving out small amounts of money; and (iv) Mr Yekatom's relations with people of Muslim faith.
133. The Yekatom Defence submits that the PRTs of D29-8024 and D29-8026 are relevant as they provide 'information as to the life of Mr Yekatom before and after the events of 2013/2014', and assist in understanding his character, as well as his family situation. With regard to D29-8024's PRT, it submits that it is also relevant 'in demonstrating Mr. Yekatom's consistently showed respect toward Muslims' and that 'the fact that Mr Yekatom is actively involved in the education of his daughter is relevant as such implication is a positive step towards rehabilitation after any eventual conviction and sentence'.¹⁶¹
134. With regard to D29-8023's PRT, the Yekatom Defence submits that it is relevant for the Chamber 'to gain a full understanding of Mr. Yekatom's youth, including his family's material circumstances'.¹⁶²
135. The Chamber notes that the PRTs of D29-8024 and D29-8026 mainly relate to Mr Yekatom's conduct and relationships with the witnesses and D29-8024's family, who are of Muslim faith, before and after the period relevant to the charges. D29-8023's PRTs mainly relates to Mr Yekatom's conduct and family situation before the period relevant to the charges. The Chamber is satisfied that these PRTs do not go to proof of the accused's acts and conduct within the meaning of Rule 68(2)(b) of the Rules. It further finds that they show sufficient

¹⁶⁰ CAR-D29-0009-0921.

¹⁶¹ Second Yekatom Request, ICC-01/14-01/18-2718-Conf, paras 32-34, 37-38.

¹⁶² Second Yekatom Request, ICC-01/14-01/18-2718-Conf, paras 41-42.

indicia of reliability. Notably, they were obtained by fulfilling the formal requirements previously set out by the Chamber.¹⁶³

136. As regards the associated item to D29-8024's statement,¹⁶⁴ the Chamber observes that it was used and explained by the witness in her statement and thus forms an integral part of it.
137. In light of these considerations, and noting that the Yekatom Defence is the party seeking introduction, the Chamber considers that the introduction of the PRTs of D29-8024, D29-8026 and D29-8023 is not prejudicial to or inconsistent with the accused's rights and that the interests of justice are better served by their introduction. In this regard, the Chamber particularly notes that this contributes to the expeditiousness of the proceedings and streamlines the presentation of evidence during the sentencing phase.
138. Accordingly, the Chamber grants the introduction into evidence of D29-8024's statement¹⁶⁵ and associated item,¹⁶⁶ D29-8026's PRT,¹⁶⁷ and D29-8023's PRT,¹⁶⁸ for the purposes of the potential sentencing.
139. Witness **D29-8025** is a Christian man and was the chief of the village of Bokoumou, in the second *arrondissement* of Pissa,¹⁶⁹ during the period relevant to the charges. In his PRT,¹⁷⁰ D29-8025 discusses, *inter alia*, (i) meeting Mr Yekatom when they both lived in Cattin from around 1980 to 1991; (ii) the arrival of the Seleka in the area of Bokoumou and the witness and his family fleeing to the forest for fear of the Seleka; (iii) the arrival of Mr Yekatom and his group in the Lobaye region, and the subsequent return of the population from the forest to the village; (iv) that, two days later, Mr Yekatom went to each village to speak to the village chiefs and the population, telling them not to stay in the forest for health reasons and to go back to their regular activities, and giving sums of

¹⁶³ See First Rule 68(2)(b) Decision, ICC-01/14-01/18-1833-Corr-Red, para. 45.

¹⁶⁴ Photograph, CAR-D29-0009-0926.

¹⁶⁵ CAR-D29-0009-0909.

¹⁶⁶ Photograph, CAR-D29-0009-0926.

¹⁶⁷ CAR-D29-0009-0916.

¹⁶⁸ CAR-D29-0009-0921.

¹⁶⁹ See Second Yekatom Request, ICC-01/14-01/18-2718-Conf, para. 44.

¹⁷⁰ CAR-D29-0009-0927.

money to the village chiefs to help the population; (v) the actions of Mr Yekatom and his men to support the population in the months following their arrival in the Lobaye region; and (vi) Mr Yekatom's actions to support the local population in the Lobaye region between 2015 and his arrest.

140. The Yekatom Defence submits that D29-8025's PRT is notably relevant for the judges 'to be fully appraised of the character of Mr Yekatom and of the way he behaved with the population of PISSA and the area during and after the charged crimes'.¹⁷¹

141. The Chamber notes that D29-8025's PRT largely relates to the period relevant to the charges.¹⁷² Recalling the allegations against Mr Yekatom,¹⁷³ the Chamber is of the view that D29-8025's PRT concerns the acts and conduct of the accused. Notably, the Chamber considers that D29-8025's PRT touches upon the alleged displacement of Muslims in the context of the Anti-Balaka's advance through and takeover of villages along the PK9-Mbaïki axis, noting in particular D29-8025's evidence on the alleged aim of the presence of Mr Yekatom's group in the Lobaye region and Mr Yekatom's conduct towards the population living in that area at the relevant time.¹⁷⁴

142. In light of the above, the Chamber considers that D29-8025's PRT is not suitable for introduction under Rule 68(2)(b) of the Rules. Accordingly, it rejects the Second Yekatom Request with respect to this witness.

¹⁷¹ Second Yekatom Request, ICC-01/14-01/18-2718-Conf, paras 45-47.

¹⁷² See for instance CAR-D29-0009-0927, at 0929-30, paras 19-26 entitled '*Arrivée de la Seleka*' and '*Arrivée d'Alfred Rombhot YEKATOM dans la Lobaye et actions en faveur de la population*'.

¹⁷³ See paragraphs 54-55 above.

¹⁷⁴ See for instance CAR-D29-0009-0927, at 0930-31, para. 22 ('[...] J'ai voulu fuir mais ils m'ont demandé de ne pas fuir car ils sont venus pour libérer le pays. Ils se sont présentés comme étant les éléments de Rombhot. Ils m'ont demandé de faire sortir ma famille ainsi que le reste de la population qui se trouvait dans la forêt étant donné que je suis le chef du village'), para. 24 ('Deux jours plus tard, Rombhot a commencé à se rendre personnellement dans chaque village. Il se présentait aux chefs de villages et parlait à la population. Il demandait à la population de ne pas rester dans la forêt car elle pouvait être exposée à certaines maladies en plus de l'insécurité causée par les animaux sauvages comme les serpents. Il a demandé aux membres de la population de reprendre leurs activités respectives. Il a remis de l'argent aux chefs de village pour aider la population. Il a remis la somme de 50.000 Fcfa. Une semaine plus tard, il a encore remis 100.000 Fcfa. Il a demandé aux chefs de village d'acheter des médicaments pour soigner les enfants atteints de la malaria ainsi que du sel et du savon pour aider la population qui s'était enfuie dans la forêt'), paras 25-26 ('[...] C'était un à deux mois après l'arrivée de Rombhot dans la Lobaye qu'il a mené ces actions en faveur de la population').

6. *The Third Yekatom Request*

143. The Yekatom Defence seeks to submit the PRT of D29-8027.
144. Witness **D29-8027** is a Muslim man, who is a former ‘*député*’ and the former President of the National Assembly in the CAR. In his PRT,¹⁷⁵ D29-8027 discusses, *inter alia*, (i) his first meeting with Mr Yekatom during the 2015 electoral campaign; (ii) Mr Yekatom’s work as a ‘*député*’ from 2016 on; (iii) Mr Yekatom refusing to be bribed into voting for D29-8027’s impeachment and signing a request for annulment of the vote to be submitted to the Constitutional Court; and (iv) the circumstances that led to Mr Yekatom’s arrest, on the day of the vote to elect a new President following D29-8027’s impeachment.
145. The Yekatom Defence submits that D29-8027’s PRT is notably relevant for the judges ‘to be fully appraised of the character of Mr Yekatom and of the way he behaved as an elected “*député*” of his country after the charged crimes’, as well as gives insight on the circumstances that led to the arrest of Mr Yekatom.¹⁷⁶
146. The Chamber notes that D29-8027’s PRT mainly relates to the conduct and work of Mr Yekatom as a MP from 2016 on, and does not relate to the period relevant to the charges. The Chamber is satisfied that it does not go to proof of the accused’s acts and conduct within the meaning of Rule 68(2)(b) of the Rules. It further finds that it shows sufficient indicia of reliability. Notably, it was obtained by fulfilling the formal requirements previously set out by the Chamber.¹⁷⁷
147. In light of these considerations, and noting that the Yekatom Defence is the party seeking introduction and that the participants did not object, the Chamber considers that the introduction of D29-8027’s PRT is not prejudicial to or inconsistent with the accused’s rights and that the interests of justice are better served by its introduction. In this regard, the Chamber particularly notes that this

¹⁷⁵ CAR-D29-0009-0934.

¹⁷⁶ Third Yekatom Request, ICC-01/14-01/18-2720-Conf, paras 18-21.

¹⁷⁷ See First Rule 68(2)(b) Decision, ICC-01/14-01/18-1833-Corr-Red, para. 45.

contributes to the expeditiousness of the proceedings and streamlines the presentation of evidence during the sentencing phase.

148. Accordingly, the Chamber grants the introduction into evidence of D29-8027's PRT¹⁷⁸ for the purposes of the potential sentencing.
149. Finally, and in relation to all requests subject to this decision, the Chamber notes that it defers its consideration of any arguments by the parties regarding relevance and probative value,¹⁷⁹ which have not been addressed in the present decision, to its deliberation on the potential sentencing.

¹⁷⁸ CAR-D29-0009-0934.

¹⁷⁹ See Prosecution Request, ICC-01/14-01/18-2679-Conf, para. 2; First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Red, paras 8-17; Annex 1 to the First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Anx1; Response to the First Ngaïssona Defence Request, ICC-01/14-01/18-2688-Conf, paras 3-7; First Yekatom Request, ICC-01/14-01/18-2678-Conf, paras 23, 27-29, 36-37, 45, 59-60, 68-69; Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf, paras 6, 8-10, 14-16, 22-24, 34-37, 41; Second Yekatom Request, ICC-01/14-01/18-2718-Conf, paras 32-34, 37-38, 41-42; Third Yekatom Request, ICC-01/14-01/18-2720-Conf, paras 18-21.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Yekatom Dismissal Request;

PARTLY GRANTS the Dispensing Requests, as set out above in paragraphs 22-23;

GRANTS the First Ngaïssona Request;

GRANTS the Third Yekatom Request;

PARTLY GRANTS the Prosecution Request, First Yekatom Request, and Second Yekatom Request;

DECIDES to recognise the submission into evidence of the following documentary items for the purposes of potential sentencing:

- CAR-OTP-2093-0830;
- CAR-D30-0029-0003;
- CAR-D30-0001-0022;
- CAR-OTP-2092-1021, pages 1021-1022;
- CAR-D30-0029-0001 (transcript CAR-D30-0029-0004);
- CAR-D30-0029-0002 (transcript CAR-D30-0029-0007);
- CAR-OTP-2100-1743.

DECIDES that the PRTs of the following witnesses are introduced into evidence for the purposes of potential sentencing:

- **Witness D29-3010:** Statement, CAR-D29-0009-0832;
- **Witness D29-1317:** Statement, CAR-D29-0009-0838;
- **Witness D29-8017:** Statement, CAR-D29-0009-0845;
- **Witness D29-8014:** Statement, CAR-D29-0009-0855;
- **Witness D29-8019:** Statement, CAR-D29-0009-0881;
- **Witness D29-8024:** Statement, CAR-D29-0009-0909; Photograph, CAR-D29-0009-0926;
- **Witness D29-8026:** Statement, CAR-D29-0009-0916;
- **Witness D29-8023:** Statement, CAR-D29-0009-0921;
- **Witness D29-8027:** Statement, CAR-D29-0009-0934.

REJECTS the Prosecution Request with respect to the PRTs of witnesses P-2013 and P-1792;

REJECTS the Second Ngaïssona Request;

REJECTS the First Yekatom Request with respect to the PRTs of witnesses D29-8022, D29-8012, D29-8021, D29-8013, D29-8016, D29-1600, and D29-8020;

REJECTS the ICPM Requests;

REJECTS the Second Yekatom Request with respect to the PRT of witness D29-8025;

ORDERS the Yekatom Defence to file public redacted versions of the Yekatom Extension Request, ICC-01/14-01/18-2671-Conf; the First Yekatom Request, ICC-01/14-01/18-2678-Conf; the Second Yekatom Request, ICC-01/14-01/18-2718-Conf; the Third Yekatom Request, ICC-01/14-01/18-2720-Conf; and the Response to the Prosecution Request, ICC-01/14-01/18-2693-Conf, within two weeks of notification of this decision;

ORDERS the Ngaïssona Defence to file public redacted versions of the First Ngaïssona Request, ICC-01/14-01/18-2676-Conf-Exp; and the Second Ngaïssona Request, ICC-01/14-01/18-2713-Conf, within two weeks of notification of this decision;

ORDERS the Prosecution to file public redacted versions of the Prosecution Request, ICC-01/14-01/18-2679-Conf; the Response to the First Ngaïssona Request, ICC-01/14-01/18-2688-Conf; the Response to the Second Ngaïssona Request, ICC-01/14-01/18-2726-Conf; the Response to the First Yekatom Request, ICC-01/14-01/18-2692-Conf; and the Response to the Second Yekatom Request, ICC-01/14-01/18-2727-Conf, within two weeks of notification of this decision;

ORDERS the Registry to reflect in JEM that the witnesses' PRTs have been introduced for the purposes of potential sentencing and distinguish them clearly from evidence submitted before the closure of evidence; and

ORDERS the parties to propose a redacted version of the written record of each prior recorded testimony, or indicate that it may be made public in its entirety by 8 January

2025, and reminds the other participants of the deadline to make objections, if any, as previously set out (*see* email from the Chamber on 3 June 2021, at 15:58).

Done in both English and French, the English version being authoritative.



Judge Péter Kovács



Judge Bertram Schmitt

Presiding Judge



Judge Chang-ho Chung

Dated 18 July 2025

At The Hague, The Netherlands