



Original: English

No.: ICC-01/14-01/18
Date: 23 December 2025

TRIAL CHAMBER V

Before: Judge Beti Hohler , Presiding Judge
Judge Joanna Korner
Judge Keebong Paek

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

Public

Public redacted version of "Prosecution's Observations on Defence Observations on "Registry's Observations on the Prosecution's "Request for leave to add one item to the List of Evidence (ICC-01/14-01/18-1702-Conf)""", ICC-01/14-01/18-1794-Conf, 13 March 2023; ICC-01/14-01/18-1807-Conf, 21 March 2023; ICC-01/14-01/18-1809-Conf, 22 March 2023", ICC-01/14-01/18-1832-Conf, 06 April 2023

Source: Office of the Prosecutor

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

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D29

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☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

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I. INTRODUCTION

1. Per Trial Chamber V's ("Chamber") 28 March 2023 direction,¹ the Office of the Prosecutor ("Prosecution") provides its further observations on the respective Defence submissions² on the Registry's observations³ regarding the Prosecution's request to add one item to its List of Evidence ("LoE").⁴

2. *First*, in response to the Defence's concerns that the relevant smartphone was accessed prior to its forensic acquisition,⁵ the Prosecution confirms that the device remained powered off until [REDACTED] created a digital forensic copy on 20 July 2022. This acquisition therefore results in a faithful and reliable copy of the device in the exact state in which it was found.

3. *Second*, the review of the relevant smartphone and the extraction of contact list CAR-OTP-00000637 ("Item"), for which leave to add to the LoE is sought,⁶ was performed in a forensically sound manner and in line with best practices.

4. *Third*, the Prosecution confirms that the smartphone and its forensic copy remained, and remain to this day, under the custody and control of the Registry at all times.

II. CONFIDENTIALITY

5. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, this Response is filed as "Confidential", as it refers to a filing of the same classification. A public redacted version will be submitted as soon as practicable.

¹ Email from Trial Chamber V, 28 March 2023 at 11:19.

² ICC-01/14-01/18-1807-Conf, ICC-01/14-01/18-1809-Conf.

³ ICC-01/14-01/18-1794-Conf

⁴ ICC-01/14-01/18-1702-Conf.

⁵ ICC-01/14-01/18-1809-Conf, paras. 10-14, ICC-01/14-01/18-1807-Conf, para. 9.

⁶ ICC-01/14-01/18-1702-Conf.

III. SUBMISSIONS

A. The smartphone was not powered on prior to the forensic copy being made

6. As noted, until the digital forensic acquisition of the device by [REDACTED] on 20 July 2022, the smartphone remained powered off. During the Prosecution's review of 8 July 2022, hard copy material was examined and the existence of digital devices – and the need for any forensic copies thereof - was noted. As indicated in the Registry's Observations, on that date the evidence bag containing the smartphone was opened at 10:27 before being resealed in a new evidence bag at 10:32.⁷ Contrary to the Defence's allegations that the Prosecution chose to "'consult' the handset for more than five hours",⁸ the phone was sealed away within five minutes. During this time, note was taken of the external characteristics of the phone and the need to make a forensic acquisition of the device. At no point was the phone attached to a charger, nor was it activated.

B. The review and extraction of the evidence was done in line with best practices

7. The digital forensic acquisition of a mobile phone creates by nature a 'read-only' system with an integrity mechanism that prevents any modification or tampering, as confirmed by the [REDACTED]. Following the forensic acquisition of the device on 20 July 2020, the Prosecution inspected the smartphone and its forensic copy on a number of occasions in the presence of Registry staff. These inspections did not affect in any way the forensic copy, which remains exactly as it was on the date of creation.

8. As indicated in the Registry's Observations, the Prosecution also consulted the smartphone or its forensic copy on 21 July, 25 July, 19 October, and 20 October 2022.⁹ To clarify, the data containing the Item was then exported not from the smartphone, but from the forensic copy, on 11 November 2022 and the Excel file comprising the

⁷ ICC-01/14-01/18-1794-Conf, para. 10.

⁸ ICC-01/14-01/18-1809-Conf, para. 13, *see also* ICC-01/14-01/18-1807-Conf, para. 9.

⁹ ICC-01/14-01/18-1794-Conf, paras. 12-16.

Item generated shortly thereafter on 16 November. This method of extraction guarantees the Item's integrity and ensures its authenticity.

C. The smartphone remained in the custody and control of the Registry

9. In response to the Defence's questions regarding the custody of the smartphone, the Prosecution confirms that the device and its forensic copy remained in the Registry or under Registry control at all times. The delay in the examination of the smartphone and information collected together with it is attributable, *inter alia*, to the availability of Registry staff and annual leave of relevant staff members. Lastly, the phone and its forensic copy remain available, under Registry control, for such further examination by the parties as may be deemed necessary.

IV. CONCLUSION

10. In sum, the respective Defence submissions do not contain any substantive challenge that precludes the Trial Chamber from granting the Prosecution leave to add the Item to the LoE.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 23rd day of December 2025
At The Hague, The Netherlands