

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/14-01/18
Date: 21 January 2026

TRIAL CHAMBER V

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

SITUATION IN CENTRAL AFRICAN REPUBLIC II

***IN THE CASE OF THE PROSECUTOR v.
ALFRED ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

Public

Public Redacted Version of the “Yekatom Defence Observations on Amicus Curiae Leave to Present Submissions on Reparations”, 3 December 2025, ICC-01/14-01/18-2856-Conf

Source: Defence for Mr. Alfred Rombhot Yekatom

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D29

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V44

☐ Legal Representatives of the
Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

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Victims

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Reparations Section

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INTRODUCTION

1. Pursuant to the Chamber's invitation dated 18 November 2025,¹ Counsel for Mr Alfred Rombhot Yekatom ("Defence") presents the following Observations on the requests for leave to file *amicus curiae* submissions on reparations.

APPLICABLE LAW

2. Article 75(3) of the Statute provides that "[b]efore making an order under this article, the Court may invite and shall take account of representations from or on behalf of the convicted person, victims, other interested persons or interested States".
3. Rule 103(1) of the Rules of Procedure and Evidence provides that: "At any stage of the proceedings, a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate".

OBSERVATIONS

4. Further to the Chamber's Order for Submissions on Reparations inviting "any persons or organisations, particularly with local expertise, interested in making submissions on the specific issues mentioned above" to request leave to do so;² two entities sought leave to appear as *amicus curiae*: Queen's University Belfast Human Rights Centre ("HRC")³ and Mr Bengo-Gate president of association "Arc-en-Ciel".⁴
5. An *amicus curiae* capable of assisting the Chamber and the parties through its knowledge or expertise on matters related to the reparations proceedings in the

¹ Email from the Chamber to the Parties, 18 November 2025 17:49.

² ICC-01/14-01/18-2821, para. 6(ii)(iv)

³ ICC-01/14-01/18-2833-Anx.

⁴ ICC-01/14-01/18-2843-Conf-Anx1.

context of the Central African Republic may prove useful to the deliberations. However, such participation must be limited to the specific contribution it brings to the proceedings and cannot substitute for the defined role of the legal representatives of the victims.

6. In this context the Defence submits that the Chamber should reject the leave to file submissions on reparations from both “Arc-en-Ciel” and HRC.
7. As regard “Arc-en-Ciel”, the Defence *first* notes that it does not clearly indicate which of the topics identified by the Chamber it wishes to make submissions upon. Moreover, it has gone beyond the scope of the Chamber’s order by already advancing a proposed reparation quantum (ranging from USD [REDACTED] to USD [REDACTED]), rather than requesting leave to make submissions on that issue.⁵
8. *Second*, Arc-en-Ciel’s submissions do not fully respect Regulations 23(1)(b) and (d) of the Court which previously led to request to file submission from amicus to be denied.⁶ In addition, should the Chamber be minded to accept Arc-en-Ciel’s request, clarifications should be sought on the substance of its submissions: it submits being active since 2017 and “accompanying [REDACTED] victims” related to both the Mokom and Yekatom-Ngaïssona cases since 2018,⁷ however its “Récépissé Provisoire de Déclaration d’Association” was obtained after those dates, on 21 January 2019.⁸
9. *Third*, Arc-en-Ciel’s submissions show that it seeks prerogatives going beyond those appropriate for an *amicus curiae*. This is demonstrated by i) its provision of lists of victims admitted or rejected to participate in the proceedings; ii) its missions “accompagnement juridique” and “recensement et documentation

⁵ ICC-01/14-01/18-2843-Conf-Anx1, p.3.

⁶ *Prosecutor v. Ongwen*, Decision on the requests for leave to submit amicus curiae observations, 17 June 2021, [ICC-02/04-01/15-1860](#), para. 7 : “ii) the request by WVCN, however, does not comply with any of the requirements of Regulation 23(1)(b), (c), or (d) of the Regulations and, as such, it is formally inadmissible and should be dismissed” .

⁷ ICC-01/14-01/18-2843-Conf-Anx1, p.2.

⁸ ICC-01/14-01/18-2843-Conf-Anx5.

des victimes”⁹ which overlaps with those of the LRV’s or VRPS; and, iii) its request that the Chamber accept “sa contribution au processus de mise en oeuvre des reparations”, a role that properly belongs to the TFV.¹⁰

10. While the Defence does not question the local expertise of Arc-en-Ciel, concerns exist that this *amicus curiae* would in practice seek to act as a second representative of victims. The victims in the present case are already represented by five counsel who followed the entire trial. Arc-en-Ciel remains at liberty to engage with, and make proposals to the LRVs, who are best placed to liaise with their clients and the Chamber as appropriate. Rejecting Arc-en-Ciel’s request for leave to file submissions would thus prevent the unnecessary clogging of the case record with filings in which it would overstep its proper role.
11. As regard HRC, the Defence first notes the absence of local expertise in the CAR situation on the part of HRC, a criterion whose importance was emphasised by the Chamber.
12. The Defence is also concerned about HRC’s appearance of partiality, should the Chamber be minded to grant leave to file submission directions must be given to the *amicus curiae* to avoid prejudicial assertions against Mr. Yekatom. Indeed, the Defence notes with concerns that in the Al Hassan case, HRC advanced what we respectfully believe being assertions inappropriate for an *amicus curiae*, including speculative claims about the accused—such as suggesting that “it is unlikely that Mr Al Hassan will apologise”¹¹—and submissions addressing crimes for which Mr Al Hassan was not convicted. These interventions compelled the Defence in that case to correct the record.¹²

⁹ ICC-01/14-01/18-2843-Conf, Anx1, p.3.

¹⁰ ICC-01/14-01/18-2843-Conf-Anx1, p. 4.

¹¹ *Prosecutor v. Al Hassan*, Submission on Reparations, 13 June 2025, [ICC-01/12-01/18-2730](#), para. 25.

¹² *Prosecutor v. Al Hassan*, Public Redacted Version of “Defence Response to Observations on Reparations”, 17 July 2025, [ICC-01/12-01/18-2741-Red](#), paras. 32-39.

13. In light of this precedent, the Defence submits that the Chamber should not grant HRC leave to file submissions, in order to avoid the record from being clogged with potentially prejudicial assertions against the accused, and the resulting need for the Defence to correct such assertions in the public record. However, if the Chamber were minded to grant leave, the Defence respectfully requests that it provide clear directions circumscribing the scope and nature of any submissions, in order to prevent a recurrence of the issues encountered in *Al Hassan*.
14. Finally, the Defence proposes that, should any suggestions arise from victims who are dually represented by both the *amicus curiae* and the Legal Representative of Victims, the *amicus curiae* be directed to communicate and coordinate with the Legal Representative of Victims, who is the official representative recognised by the Chamber. This would ensure that the needs of the victims are addressed more efficiently and in an orderly manner.

CONFIDENTIALITY

15. The present Observations are filed on a confidential basis corresponding to the classification of the filing of Mr Bengo-Gata (association Arc-en-Ciel). The Defence does not oppose the reclassification of the Observations as public.

RELIEF SOUGHT

16. The Defence respectfully requests Trial Chamber V to take into account the above Observations when ruling on the leave to file submissions of the two *amicus curiae*.

RESPECTFULLY SUBMITTED ON THIS 21st DAY OF JANUARY 2026



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

Dated 21 January 2026

At The Hague, the Netherlands