

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **26 January 2026**

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

Public

Public Redacted Version of the 'Yekatom Defence's List of Witnesses and Evidence', 17 November 2023, ICC-01/14-01/18-2212-Conf

Source: Defence for Mr. Alfred Rombhot Yekatom

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

☒ **The Office of the Prosecutor**

☒ **Counsel for the Defence**

D29

D30

☒ **Legal Representatives of the Victims**

V44

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☐ **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**

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Reparations Section**

☐ **Other**

INTRODUCTION

1. Pursuant to Trial Chamber V's ('Chamber') Further Directions on the Conduct of the Proceedings¹ the Defence for Mr Alfred Rombhot Yekatom ('Defence') hereby provides its final list of witnesses ('Final Witness List') and list of evidence ('List of Evidence').
2. Confidential Annexes A and B contain the Final Witness List, including the following information, as directed by the Chamber: (a) witness code and identity; (b) known kinship or other relationship to other witnesses; (c) type of witness; (d) expected relevance of witness' testimony to the charges; (e) intended mode of testimony; (f) the location of testimony (remote via video-link or at headquarters); (g) language of testimony; (h) estimated length of questioning by the Defence; and (i) expected in-court protective measures to be sought, if any. The Defence does not foresee any issues of self-incrimination for its witnesses.
3. Confidential Annex C contains the live witnesses' summaries.
4. Confidential Annex D contains the Defence's List of Evidence, containing exhibits on which the Defence may rely at trial.

SUBMISSIONS

A. Final List of Witnesses

5. The Defence intends to call 34 fact witnesses² and one expert witness.
6. The Defence wishes to clarify that the anticipated testimony provided should not be interpreted as a comprehensive and complete account of each witness'

¹ ICC-01/14-01/18-1892.

² These include 24 witnesses called under Rule 68(2) of the Rules of Procedure and Evidence ('Rules') including the expert witness ; 1 witness called pursuant Rule 68(3) and 10 witnesses called to testify *viva voce* in full.

expected evidence, but a synopsis of salient aspects thereof. The Defence thus reserves its right to elicit such other and further evidence as is appropriate under the Statute and Rules of Procedure and Evidence.

7. It should also be noted that the Final Witness List takes into account several obstacles faced by the Defence during the recent preparation of its case.
8. First, the cyber security incident – which recently impacted the Court – adversely impacted Defence investigations and detrimentally restricted communications between Defence team members in Bangui and the team based in The Hague.
9. Second, the prevailing fuel crisis in CAR as well as the repetitive power outages and the poor quality of the telephone network, had a direct impact on field investigations. This is despite the fact that Counsel had extended the duration of missions in the field.
10. Third, the Prosecution formally closed its case on 11 September 2023.³
11. In two months, the Defence responded to five bar table motions⁴ filed by the Prosecution and is in the process of responding to a sixth.⁵ This represents the review and analysis of over 977 documents including 546 audio-video material related items.
12. The Defence also recalls that the testimony of the CLRV1 witnesses commenced within just over 10 days of the close of the Prosecution case and concluded less than 6 weeks ago. The extremely short and intensive period of time that the Defence had to investigate and prepare for the evidence of the CLRV1 witnesses

³ ICC-01/14-01/18-2089.

⁴ ICC-01/14-01/18-2079-Conf (8 documents) ; ICC-01/14-01/18-2080 (36 documents) ; ICC-01/14-01/18-2112-Conf (177 documents) ; ICC-01/14-01/18-2128-Conf (145 documents) ; ICC-01/14-01/18-2132 (65 documents).

⁵ ICC-01/14-01/18-2057-Conf.

resulted in the monopolisation of Defence resources in that period, and impacted broader Defence case preparations and investigations.

13. During this same two month period, Defence case preparations were also impacted by the recent week-long testimony of Chamber Witness P-0952.
14. Fourth, regrettably, the Defence encountered several security and interference incidents involving Prosecution witness P-1974 ([REDACTED])⁶ Registry/former Prosecution intermediary P-2580 ([REDACTED]) and Registry intermediary P-2638 ([REDACTED])⁷ and [REDACTED]. The reported interference sought to target potential Defence witnesses called to testify on Count 29. The interference impeded the work of the Defence and meant that a disproportionate amount of time and resources had to be re-directed in order to secure the cooperation and ensure the safety of Defence witnesses.
15. Fifth, in light of the Decision on the Thirteenth Prosecution Submission Request from the Bar Table (Anti-Balaka and Governmental Documents)⁸ the Defence intends to add items on its Final List of Evidence provided by the [REDACTED]. However, given the short delay since the issuance of the Decision – (i.e. 7 days), the Defence has unfortunately not had an adequate opportunity to assess the items, to interview and potentially secure additional witnesses on the matter.
16. Finally, as a result of the above, the Defence wishes to inform the Chamber that some missions had to be cancelled and rescheduled.
17. For the foregoing reasons, the Defence reserves the right to amend the summaries of the expected testimony and to seek leave to add witnesses on its

⁶ Email sent by the Defence to the Prosecution on 25 October 2023 at 14:47; Email response sent by the Prosecution to the Defence on 26 October 2023 at 09:24. To date the Defence is not aware whether the Prosecution contacted P-1974 to inquire about the reported incident.

⁷ Several emails were exchanged between the Defence and the VWU concerning those security incidents affecting P-6017 and P-6025.

⁸ ICC-01/14-01/18-2199.

Final Witness List, as necessary to ensure the effective exercise of Mr Yekatom's fair trial rights.

B. Final List of Evidence

18. The List of Evidence contains references to items on which the Defence intends to rely and which were either gathered during its investigations or disclosed by the Parties and Participants in this case. The Defence provides the following observations.
19. First, several Defence requests for cooperation have been sent over the past three years by the Defence. While many follow-ups have been made, numerous requests for cooperation remain unanswered and unexecuted. In addition, depending on the content of the additional meetings with Defence witnesses, some newly discovered material might be of importance to present to the Chamber. In the event that the Defence receives additional material that it intends to rely upon, it will request leave to amend its List of Evidence.
20. Second, for the purpose of notice requirements, the Defence emphasises the difference between specific reference to material emanating from the Prosecution in general versus material listed on the Prosecution's list of evidence, noting that the latter would have been drawn up with careful analysis and assessment by the Prosecution.⁹ Accordingly, the Defence reserves its right to rely on additional material contained in the Prosecution's List of Evidence.¹⁰

⁹ See e.g. *Prosecution v. Gicheru*, Decision on the Prosecutor Request concerning the Defence List of Evidence, ICC-01/09-01/20-133, 12 April 2021, paras 11 and 12.

¹⁰ The Prosecution's List of Evidence is listed at ICC-01/14-01/18-724-Conf-AnxC. See also TC decisions granting the addition of items to the OTP LoE: ICC-01/14-01/18-1301; ICC-01/14-01/18-1511-Conf; ICC-01/14-01/18-1573-Conf; ICC-01/14-01/18-1597-Conf; ICC-01/14-01/18-1710; ICC-01/14-01/18-1908-Conf.

21. Third, the Defence may request the addition of discrete Prosecution items recently disclosed by the Prosecution in October 2023 to its List of Evidence as the Defence has not been in a position to review them.¹¹

C. Notice of alibi

22. In light of how the evidence unfolded in relation to Counts 1 to 3 and 11 to 16, the Defence does not intend to call any of the witnesses listed in the notice of alibi (ICC-01/14-01/18-818-Conf).¹²

CLASSIFICATION

23. Annexes A, B, C and D are classified as Confidential as they contain information concerning witnesses and other material which may not be made public at this time.

RESPECTFULLY SUBMITTED ON THIS 26TH JANUARY 2026¹³



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¹¹ **INCRIM packages (containing 31 documents, 183 pages)** : Trial INCRIM package 164 06 October 2023; Trial INCRIM package 165 20 October 2023; Trial INCRIM package 167 30 October 2023; Trial INCRIM package 168 10 November 2023; Trial INCRIM package 166 27 October 2023. **Rule 77 packages (containing 250 documents, 1269 pages including 107 video material that we not disclosed with their corresponding translation or transcription in the language of the Court)** : Trial Rule 77 package 112 27 October 2023; Trial Rule 77 package 113 27 October 2023; Trial Rule 77 package 114 30 October 2023; Trial Rule 77 package 115 30 October 2023; Trial Rule 77 package 116 10 November 2023.

¹² ICC-01/14-01/18-1892-Conf, para. 16 ; See also ICC-01/14-01/18-818-Conf.

¹³ The Defence is grateful for Alexia Legault and Narek Chakhalyan for their assistance with this filing.