

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 25 February 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

With Confidential *Ex Parte* Annex A, only available to the Yekatom Defence and the Prosecution, and Confidential Annex B

Public Redacted Version of the 'Yekatom Defence Observations in relation to the "Prosecution's request for non-disclosure under rule 81(2) of materials collected during the investigation of potential offences under article 70", ICC-01/14-01/18-1016-Conf, and the "Confidential redacted version of the "Prosecution Submission on Article 70 Investigation", ICC-01/14-01/18-1310-Conf-Red', 12 July 2022, ICC-01/14-01/18-1509-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

V45

☐ 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

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

INTRODUCTION

1. Further to the recent notification to the Defence for Mr. Alfred Rombhot Yekatom (“Defence”) of several Prosecution filings which were previously classified *ex parte*, the Defence wishes to clarify the record, provide additional information, and give its view on several Prosecution assertions in order to prevent any misconception or misunderstanding on factual elements contained in some of those filings.
2. The Defence specifically seeks to address and clarify assertions which are included in the “Prosecution’s request for non-disclosure under rule 81(2) of materials collected during the investigation of potential offences under article 70”¹ and in the “Confidential redacted version of the ‘Prosecution Submission on Article 70 Investigation, ICC-01/14-01/18-1310-Conf-Exp, 10 March 2022’”.²

PROCEDURAL HISTORY

3. On 15 June 2022, the Chamber instructed the Prosecution to request reclassification or file confidential redacted versions of several filings part of its Article 70 investigation, including, *inter alia*, ICC-01/14-01/18-1016-Conf-Exp and ICC-01/14-01/18-1310-Conf-Exp.³
4. On 29 June 2022, the Defence was notified of the reclassification of the “Prosecution’s request for non-disclosure under rule 81(2) of materials collected during the investigation of potential offences under article 70” (“Request for Non-disclosure”), originally filed on 8 June 2021.⁴
5. On 29 June 2022, the Defence was notified of the “Confidential redacted version of the ‘Prosecution Submission on Article 70 Investigation, ICC-01/14-01/18-

¹ [ICC-01/14-01/18-1016-Conf.](#)

² [ICC-01/14-01/18-1310-Conf-Red.](#)

³ [ICC-01/14-01/18-1459-Conf.](#), para 4.

⁴ [ICC-01/14-01/18-1016-Conf.](#)

1310-Conf-Exp, 10 March 2022''' ("Prosecution Submission") originally filed on 10 March 2022.⁵

SUBMISSIONS

6. The Defence hereby submits its views and provides information on the following issues : (1) the relationship between [REDACTED] and the Defence;⁶ (2) the report by the Defence to the Prosecution that P-2269 was deceased;⁷ and (3) the alleged loss of confidential information by a member of the Defence.⁸ The Defence considers that the Prosecution's narrative with regard to these issues is, in some instances, inadequate and warrants, in fairness to the Defence, the observations developed below.
7. *First*, in its Request for Non-disclosure, the Prosecution stated that [REDACTED], showed a list of the Prosecution witnesses during a meeting and that, based on the estimates provided by [REDACTED] to the investigator, the meeting took place in 2019.⁹
8. While the Defence does not wish to comment on any allegation of impropriety by [REDACTED], it wishes to address footnote 19 of the Request for Non-disclosure which states that [REDACTED].¹⁰
9. In light of the information to the effect that [REDACTED], who according to [REDACTED], was a [REDACTED], which the Defence was not aware of, the Defence nevertheless wishes to make the following clarifications regarding its relationship with this individual: (1) while [REDACTED] was employed during the early phase of the case as a "Resource Person" by the Defence, he ceased all

⁵ [ICC-01/14-01/18-1310-Conf-Red.](#)

⁶ [ICC-01/14-01/18-1016-Conf](#), para. 5 iii), fn. 19.

⁷ [ICC-01/14-01/18-1310-Conf-Red.](#) para. 9.

⁸ [ICC-01/14-01/18-1310-Conf-Red.](#) para. 10.

⁹ [ICC-01/14-01/18-1016-Conf](#), para 5 iii).

¹⁰ [ICC-01/14-01/18-1016-Conf](#), fn. 19.

activities in May 2019 and did not perform any work until his contract was terminated during a mission by Lead Counsel in Bangui;¹¹ (2) [REDACTED] never received any list of Prosecution witnesses during his entire employment with the Defence, nor did he receive disclosed statements, as he was tasked solely with securing potential defence witnesses based on investigative leads provided by Mr Yekatom; and (3) no Defence team members in Bangui were granted the ability to have privileged calls with Mr Yekatom in 2019.

10. The Defence also clarifies that although [REDACTED] did not receive from the Defence the list of Prosecution witnesses nor the statements of Prosecution witnesses, the working protocol within the team had always corresponded to the highest professional standards, and the Defence was proactive in that regard. For instance, prior to conducting any interviews, the Defence team members in Bangui were required to clarify whether the person had already met individuals from the Court, in order to avoid, to any possible extent, inadvertent contact. As such, any inadvertent contact with potential Prosecution witnesses was duly and timely reported to the Prosecution, as shown from the correspondence annexed to this filing.¹²
11. *Second*, incomplete information has been communicated to the Chamber in the Prosecution Submission, which could lead to incorrect assumptions in relation to the fact that some witnesses sought to absent themselves or withdraw their cooperation from the Prosecution. The Prosecution alleged that the Defence reported witness [REDACTED] (P-2269) “as deceased”¹³ and that this information was contradicted by OTP sources who have placed him in [REDACTED]. Again, the Defence does not wish to comment on the current reasons as to why P-2269 remains unreachable. However, the Defence wishes

¹¹ Administrative documents available upon request.

¹² For examples of respect of the procedure in case of inadvertent contact with Prosecution witnesses see Annex A.

¹³ [ICC-01/14-01/18-1310-Conf-Red](#), para 9.

to clarify that its Lead Counsel provided this information during a court adjournment to Senior Prosecution Counsel with the aim of clarifying whether or not [REDACTED] (P-2269) would be removed from the order of witnesses. The information was based on the evidence of [REDACTED], who stated during his testimony that [REDACTED] (P-2269) was dead;¹⁴ and following [REDACTED] testimony, Lead Counsel was seeking an update seeing as P-2269 was initially planned to appear in Block 3 and became unavailable unexpectedly.¹⁵

12. In light of this information, the Defence considers that a genuine good-faith inquiry, in an informal conversation between legal practitioners, based on a Prosecution witness's testimony, should not be used as an apparent negative assumption towards the Defence. Even more so in light of the proactive role of the Defence in previously informing both the Prosecution and the Chamber that the information regarding the death of witness P-2196 appeared to be false.¹⁶
13. *Third*, in the Prosecution Submission, it is stated that on or around [REDACTED], confidential information was lost by a member of the Defence.¹⁷ This affirmation is incorrect, or at the very least, unfairly derogatory. An email was sent by the Defence on [REDACTED] to the Prosecution, in which the Defence stated that electronic material belonging a Defence team Legal Assistant was stolen during a burglary.¹⁸ Moreover, Senior Prosecution Counsel inquired with Defence Counsel regarding the content of the computer. The Defence specified verbally that no material related to any of the political witnesses had been on the computer. This was reiterated in an email sent by the Defence to the Prosecution on [REDACTED].¹⁹ The Defence is of the view that

¹⁴ [REDACTED].

¹⁵ See Email from the prosecution to the Chamber and Parties sent on 31 May 2021 at 08:26.

¹⁶ See Email from the Defence to the Chamber and Parties sent on 16 February 2022 at 16:36 ; Email from the Prosecution to the Chamber and Parties sent on 24 February 2022 at 18:31.

¹⁷ [ICC-01/14-01/18-1310-Conf-Red](#), para 10.

¹⁸ See Annex B: Email from the Yekatom Defence to the Prosecution on 23 February 2022 at 18:21.

¹⁹ See Annex B: Email from the Yekatom Defence to the Prosecution on 28 February 2022 at 14:22.

presenting the burglary of the residence of a Defence team Legal Assistant as a “loss of confidential information” without any further context, could unfairly give a false impression of carelessness or negligence on the part of a team member of the Defence.

CONFIDENTIALITY

14. The present Observations are filed on a confidential basis corresponding to the classification of the two Prosecution filings it refers to. Annex A is filed confidential *ex parte* as its content relates to inadvertent contacts with witnesses from the Prosecution.

RESPECTFULLY SUBMITTED ON THIS 25th DAY OF FEBRUARY 2026

A handwritten signature in blue ink, appearing to read 'Mylène Dimitri'.

Me Mylène Dimitri

Lead Counsel for Mr. Yekatom

The Hague, the Netherlands