

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **23 September 2019**

**PRE-TRIAL CHAMBER II**

**Before:** Judge Antoine Kesia-Mbe Mindua, Presiding Judge  
Judge Tomoko Akane  
Judge Rosario Salvatore Aitala

**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 “Notice of Conflict of Interest: Christine Priso  
Ouamballo”, 18 September 2019, ICC-01/14-01/18-358-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**

Ms. Fatou Bensouda

Mr. James Stewart

Mr. Kweku Vanderpuye

**Counsel for Mr. Yekatom**

Me Mylène Dimitri

Mr. Peter Robinson

**Counsel for Mr. Ngaïssona**

Me Geert-Jan Alexander Knoops

**Legal Representatives of Victims**

Mr. Dmytro Suprun

Mr. Abdou Dangabo Moussa

Mr. Elisabeth Rabesandratana

Mr. Yaré Fall

Ms. Marie-Edith Douzima-Lawson

Ms. Christine Priso Ouamballo

Ms. Paolina Massidda

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation / Reparation)**

**The Office of Public Counsel for  
Victims**

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

Me Xavier-Jean Keïta

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr. Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr. Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

1. Counsel representing Mr. Alfred Rombhot Yekatom (“Defence” and “Mr. Yekatom”, respectively) respectfully notifies the Pre-Trial Chamber (“Chamber”) that they believe that Christine Priso Ouamballo, one of the Legal Representatives of the Victims, has a conflict of interest because she previously represented Mr. Yekatom in this case and concurrently represents two Prosecution witnesses who were suspected of themselves committing crimes.

### **RELEVANT PROCEDURAL HISTORY**

2. Sometime before [REDACTED], Christine Priso Ouamballo was assigned by the International Criminal Court to represent Prosecution Witness [REDACTED], a suspect whom the Prosecution wanted to interview. She assisted [REDACTED] during the interview, which took place between [REDACTED].<sup>1</sup>
3. Sometime before [REDACTED], Ms. Ouamballo was assigned by the International Criminal Court to represent Prosecution Witness [REDACTED], a suspect whom the Prosecution wanted to interview. She assisted [REDACTED] during the interview, which took place between [REDACTED].<sup>2</sup>
4. Despite having represented two Prosecution witnesses, Ms. Ouamballo accepted an assignment by the International Criminal Court on or before 15 November 2018 to represent Alfred Yekatom during the process of his transfer to the Court from the Central African Republic.<sup>3</sup> In her capacity as Mr. Yekatom’s counsel, she was a party to legally privileged conversations with Mr. Yekatom on the day he was transferred to the Court.
5. On 3 June 2019, Ms. Ouamballo informed the Court’s Registry by e-mail that she represented victims of Mr. Yekatom and asked to be assigned as one of the

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<sup>1</sup> [REDACTED].

<sup>2</sup> [REDACTED].

<sup>3</sup> [ICC-01/14-01/18-17-US-Exp-Red](#), para. 15 and [Annex 4](#).

Common Legal Representatives for Victims.<sup>4</sup>

6. Ms. Ouamballo was assigned as one of the Common Legal Representatives for Victims on 21 June 2019.<sup>5</sup>
7. On 11 September 2019, Mr. Yekatom recognised Ms. Ouamballo's name on one of the pleadings in his case and told his counsel that he believed that this was the same lawyer who had represented him during his transfer.
8. After researching the matter, and liaising with the Counsel Support Section, Mr. Yekatom's Associate Counsel met with Ms. Ouamballo on 18 September 2019 and pointed out the conflict of interest to her. He informed Ms. Ouamballo that Mr. Yekatom did not agree that she could represent the victims in his case after having represented him and asked Ms. Ouamballo to put the matter before the Chamber.
9. When Ms. Ouamballo failed to raise the matter with the Chamber, the Defence decided to file this notice.

### **RELEVANT PROVISION**

10. Article 12 of the Code of Professional Conduct for Counsel provides:

1. Counsel shall not represent a client in a case:

(a) If the case is the same as or substantially related to another case in which counsel or his or her associates represents or formerly represented another client and the interests of the client are incompatible with the interests of the former client, unless the client and the former client consent after consultation.

### **ARGUMENT**

11. The facts of this matter are uncontested.

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<sup>4</sup> [ICC-01/14-01/18-219](#), fn.7.

<sup>5</sup> [ICC-01/14-01/18-227-Red](#), para. 46(d).

12. Ms. Ouamballo formerly represented Mr. Yekatom.
13. It is the same case in which she now represents the victims.
14. The interests of Mr. Yekatom and the victims are incompatible in these proceedings.
15. Mr. Yekatom does not consent to Ms. Ouamballo representing the victims in his case.
16. Therefore, it appears that Ms. Ouamballo's continued representation of the victims is in contravention of Article 12 of the Code of Conduct.
17. A similar issue arose in the *Katanga* case. The Court applied Article 12, but ultimately decided not to disqualify the victim's counsel because his representation of the accused was not in the same case.<sup>6</sup> Here, the dual representation occurred in the same case.
18. The situation in Ms. Ouamballo's case is further aggravated by her representation of two Prosecution witnesses who were suspected of crimes. This web of conflicts of interest is incompatible with a counsel's on-going representation of the victims in this case.

## CONCLUSION

19. The Chamber is respectfully notified of the above facts and requested to take the action that it deems appropriate under the circumstances.

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<sup>6</sup> *Prosecutor v. Katanga*, [Decision on the Apparent Conflict of Interest in relation to the Legal Representative of Victims a/0015/08, a/0022/08, a/0024/08, a/0025/08, a/0027/08, a/0028/08, a/0029/08, a/0032/08, a/0033/08, a/0034/08 and a/0035/08](#), ICC-01/04-01/07-683, 16 July 2008, p. 10.

**RESPECTFULLY SUBMITTED ON THIS 23<sup>RD</sup> DAY OF SEPTEMBER 2019**



Me Mylène Dimitri  
Lead Counsel for Mr. Yekatom



Peter Robinson  
Associate Counsel for Mr. Yekatom

The Hague, the Netherlands