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Date: 18 January 2021

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

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

Public

**Public redacted version of “Joint Submission on Experts”,
9 November 2020, (ICC-01/14-01/18-719-Conf)**

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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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

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I. INTRODUCTION

1. The Parties and Participants hereby provide their joint submissions on joint experts, pursuant to Trial Chamber V's ("Chamber") 16 July 2020 "Decision setting the Commencement Date of the Trial."¹

II. CONFIDENTIALITY

2. This filing is classified as "Confidential" as it relates to *inter partes* conversations and names of witnesses that should not yet be released to the public.

III. SUBMISSION

3. As noted during the 9 June 2020 Status Conference,² the Prosecution has considered calling six experts in the fields of child soldiers, trauma, political science, satellite imagery, demographics, and CDR. The Prosecution since determined that it would not present expert testimony regarding CDR evidence. Accordingly, the Parties and Participants conferred *via* e-mail on the remaining five areas of expertise, comprising the following Prosecution experts:

- **Child soldiers:** [REDACTED];
- **Trauma:** [REDACTED];
- **Conflict Analysis - Overview:** [REDACTED];
- **Satellite imagery analysis:** [REDACTED]; and

¹ ICC-01/14-01/18-589, paras. 14, 17; *see also* ICC-01/14-01/18-T-012-ENG, p. 48, lines 21-25. The Parties and Participants have indicated that they agree and/or prefer that the present submission be filed as a Prosecution submission.

² ICC-01/14-01/18-T-012, pp. 43-44, lns. 16-2.

- **Demographics:** [REDACTED].³

4. The Prosecution has provided the Parties and Participants with the expert reports (where available), letters of instructions and Curricula Vitae of the experts concerned. However, no global agreement has been reached to date on the various areas of expertise, or on the proposed experts.

NGAISSONA Defence

5. The NGAISSONA Defence has indicated that is not in a position to jointly retain any experts at this stage, and reserves its right to challenge the proposed experts and their reports. Regarding the proposed experts in the area of child soldiers, the NGAISSONA Defence defers to the YEKATOM Defence. It further considers expertise in the areas of trauma, satellite imagery, and demographics, are – at this juncture – not directly relevant to the defense of Mr Ngaïssona.

YEKATOM Defence

6. The YEKATOM Defence has indicated its agreement to jointly retain the proposed expert on satellite imagery analysis, and its intention to provide the expert directly with additional instructions. However, the YEKATOM Defence does not agree to jointly retain any of the remaining proposed experts on the topics of (1) conflict analysis (overview), (2) child soldiers, (3) trauma, and (4) demographics. The YEKATOM Defence reserves its right to challenge the use of these proposed experts and their reports in the trial phase of this case.

Legal Representative of former Child Soldiers

7. The Legal Representative of former child soldiers has indicated his agreement to jointly retain the proposed experts on child soldiers and trauma, and intends to

³ The Prosecution does not presently intend to call an expert in the field of demographics.

provide the experts directly with additional instructions. However, the Legal Representative declines to jointly retain the proposed conflict analysis (overview) expert.

Legal Representatives of the Victims

8. The Legal Representatives of the victims of other crimes have indicated their agreement to jointly retain the proposed trauma and demographic experts, and their intention to provide the experts directly with additional instructions. However, the Legal Representatives decline to jointly retain the proposed overview expert.

IV. CONCLUSION

9. The Prosecution proposes to continue its discussions with the Parties and Participants to optimise as much as possible, the presentation of expert evidence.



James Stewart, Deputy Prosecutor

Dated this 18th day of January 2021
At The Hague, The Netherlands