

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: 25 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***

Confidential with Confidential Annex

**Prosecution's Request to amend its "Eighth Request for the Formal Submission of
Prior Recorded Testimony pursuant to Rule 68(2)(b)" to exclude additional portions
of P-0342's Statements**

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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**Victims Participation and Reparations
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Other

I. SUBMISSIONS

1. The Prosecution seeks to amend its "Eighth Request for the Formal Submission of Prior Recorded Testimony pursuant to Rule 68(2)(b)" ("Eighth Request")¹ to exclude its apparent reliance on additional portions of P-0342's first and second statements² (respectively "First Statement" and "Second Statement"). The amendment is necessary to more accurately reflect the scope of the Prosecution's intended reliance on the First Statement and Second Statement indicated in the Eighth Request.

2. Specifically, the Prosecution seeks to exclude the following 22 additional paragraphs from the First Statement (paragraphs 40, 52, 53, 108 to 111, 115, 136 to 138, 154, 155, 157 to 159, 163, 165 to 167, 171 and 174). The Prosecution seeks to exclude 119 additional paragraphs from the Second Statement (paragraphs 30 to 33, 45, 46, 48, 51, 54 to 65, 69 to 76, 78, 91, 96 to 100, 103 to 107, 114 to 116, 120, 121, 123 to 165, 172 to 180, 190, 196 to 198, 253 to 255, 263, 276 to 280, 290, 291, and 320 to 325).³ Cumulatively, the excluded portions further reduce the volume of evidence on which the Prosecution relies in the First Statement from approximately 16 to 11 pages, and in the Second Statement from approximately 49 to 29 pages.

3. Notably, the excluded paragraphs contain information of marginal relevance to the case, or otherwise attend to circumstances that are not materially in dispute. Moreover, their inclusion is unnecessary to contextualise the submitted portions of the Statements. Thus, their exclusion will better clarify the salient evidence of the witness on which the Prosecution intends to rely, which benefits the Parties, Participants, and the Chamber.

¹ ICC-01/14-01/18-812-Conf.

² CAR-OTP-2008-0499 and CAR-OTP-2116-0216.

³ For ease of reference, the totality of the paragraphs excluded are highlighted in the First and Second Statements appended as *Confidential Annex*.

4. Having carefully reviewed the Parties' and Participants' responses to the Eighth Request,⁴ and YEKATOM's in particular,⁵ the Prosecution does not consider that the amendment affects their respective positions. Thus, permitting the amendment will not disturb the Chamber's substantive consideration and determination of the Eighth Request.

II. CONFIDENTIALITY

5. Pursuant to regulation 23bis(2) of the Regulations of the Court ("RoC"), this request and its annex are filed as "*Confidential*", since they relate to a request filed under this classification. A "Public" version will be filed as soon as practicable concomitantly with the "Public Redacted" version of the Eighth Request.

III. CONCLUSION

6. Based on the foregoing, the Prosecution requests the amendment of the Eighth Request to exclude the submission of the portions of P-0342's First Statement and Second Statement indicated at paragraph two above.



James Stewart, Deputy Prosecutor

Dated this 25th day of January 2021
At The Hague, The Netherlands

⁴ ICC-01/14-01/18-820-Conf; ICC-01/14-01/18-845-Conf.

⁵ ICC-01/14-01/18-845-Conf, paras. 3, 9.