

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **9 November 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 *THE PROSECUTOR v.*
*ALFRED ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

Public

**Yekatom Defence Reply to 'Prosecution's Response to Yekatom's Motion for
Finding of Disclosure Violation and for additional remedies, ICC-01/14-01/18-
1142-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

Mr. Karim Asad Ahmad Khan
Mr. James Stewart
Mr. Kweku Vanderpuye

Counsel for Mr. Yekatom

Me Mylène Dimitri
Mr. Thomas Hannis
Me Anta Guissé
Me Laurence Hortas-Laberge

Counsel for Mr. Ngaïssona

Mr. Geert-Jan Alexander Knoops
Me Richard Omissé-Namkeamaï
Me Marie-Hélène Proulx

Legal Representatives of Victims

Mr. Dmytro Suprun

Mr. Abdou Dangabo Moussa
Ms. Elisabeth Rabesandratana
Mr. Yaré Fall
Ms. Marie-Edith Douzima-Lawson
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

Registrar

Mr. Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr. Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

1. The Defence for Mr Alfred Rombhot Yekatom files this brief reply for the purpose of providing a complete depiction of the disclosure history leading to its *Motion for Finding of Disclosure Violation and for Additional Remedies*¹ ('Motion') which have been mischaracterised within the *Prosecution's Response to Yekatom's Motion for Finding of Disclosure Violation and for additional remedies, ICC-01/14-01/18-1142-Conf* ('Response').²
2. On 11 October 2021, the Prosecution disclosed a courtesy copy of the screening note of P-2580 ('Screening Note') bearing redactions *inter alia* on identifying information of P-2580.³
3. On 20 October 2021, the Defence filed its Motion seeking *inter alia* the lifting of redactions from the Screening Note.
4. Later the same day, the Prosecution disclosed a lesser redacted version of the Screening Note whereby the redaction applied to the identifying information of P-2580 was lifted.⁴
5. On the 27 October 2021, in its Response to the Motion, the Prosecution addressed the Defence's request for a lifting of redactions by indicating that the sought information, 'contrary to the Defence allegation', already appeared on the document in question.⁵
6. In so doing, the Prosecution implied that the Defence had not performed basic diligence in preparing the Motion – which implication was accentuated by the Prosecution's deliberate employment of italics to emphasise that the sought information was found on none other than the 'first page'.

¹ [ICC-01/14-01/18-1142-Conf](#). A public redacted version is also available [ICC-01/14-01/18-1142-Red](#).

² [ICC-01/14-01/18-1149-Conf](#).

³ See [ICC-01/14-01/18-1142-Conf-AnxA](#) communicated through an email sent from the Prosecution to the Yekatom Defence on 11 October 2021 at 13:53.

⁴ CAR-OTP-2117-0043-R01.

⁵ [ICC-01/14-01/18-1149-Conf](#), para. 35.

7. As the Prosecution is aware however, at the time of filing of the Motion, the Defence was not in fact in possession of the un-redacted version of the Screening Note, as the Prosecution had only disclosed it after the Motion was notified.⁶
8. In other words, rather than simply noting that the request was rendered moot by the Prosecution's subsequent disclosure of the lesser-redacted Screening Note, the Prosecution mischaracterised the disclosure history of the Screening Note thus impugning the professionalism of the Defence.
9. The Defence finds it regrettable to have to use its resources to set the record straight publically. However, filing this reply has been necessary so as to correct the incorrect impression left by the Prosecution's Response.

RESPECTFULLY SUBMITTED ON THIS 9th DAY OF NOVEMBER 2021



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands

⁶ The Motion was notified on 20 October 2021 at 16.14; the un-redacted Screening Note was provided in Disclosure Batch 'Rule 77 Package 62', notified on 20 October 2021 at 17.00; see, CAR-OTP-2117-0043-R01; the redacted version of the Screening Note, disclosed on 11 October 2021 at 13.53, was annexed to the Motion, see, [ICC-01/14-01/18-1142-Conf-AnxA](#).