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**International
Criminal
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Date: **8 February 2022**

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

**Public Redacted Version of ‘Yekatom Defence Response to the
“Prosecution’s Request for the Formal Submission of the Prior Recorded
Testimony of P-2353 pursuant to Rule 68(3)”, 26 January 2022, ICC-01/14-
01/18-1262-Conf’, 7 February 2022, ICC-01/14-01/18-1272-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
Ms. Lena Casiez

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**

INTRODUCTION

1. The Defence for Mr. Alfred Rombhot Yekatom (“Defence”) hereby responds to the “Prosecution’s Request for the Formal Submission of the Prior Recorded Testimony of P-2353 pursuant to Rule 68(3)” (“Request”).¹
2. The Request should be denied. The tendered witness statement of P-2353 (“Statement”) contains allegations relating to two crimes bases and 11 of the 21 charges brought against Mr Yekatom, a number of which are central to core issues in the case and relate to materially disputed issues. Further, the probative value of the Statement is limited, due to the extensively hearsay and/or speculative nature of much of its content. Lastly, the estimated time that would be saved should the Request be granted is minimal, and in any event does not outweigh the undue prejudice that would be engendered by the introduction of the Statement under Rule 68(3).

PROCEDURAL BACKGROUND

3. On 16 October 2020, Trial Chamber V (“Chamber”) issued its “Decision on the Prosecution Extension Request and Initial Guidance on Rule 68 of the Rules” in which it *inter alia* recalled that *viva voce* testimony should be the default mode of testifying,² and held that Rule 68 (3) may not be used without limits, noting that when considered against the specific circumstance of a case, its use might be disproportionate.³
4. On 25 January 2022, the Prosecution filed its Request for the Formal Submission of the Prior Recorded Testimony of P-2353 pursuant to Rule 68(3) which was

¹ [ICC-01/14-01/18-1262-Conf](#); Public redacted version : [ICC-01/14-01/18-1262-Red](#).

² [ICC-01/14-01/18-685](#), para. 25.

³ *Ibid*, para. 31.

notified on the 26 January 2022.⁴ A public redacted version of the Request was filed the same day.⁵

APPLICABLE LAW

5. Rule 68(3) of the Rules of Procedure and Evidence (“Rules”) states:

If the witness who gave the previously recorded testimony is present before the Trial Chamber, the Chamber may allow the introduction of that previously recorded testimony if he or she does not object to the submission of the previously recorded testimony and the Prosecutor, the defence and the Chamber have the opportunity to examine the witness during the proceedings.

6. A Chamber’s assessment as to whether prior recorded testimony may be introduced under Rule 68(3) should be made on a case-by-case basis where the factors to be considered may vary per witness.⁶
7. A Chamber must carry out an individual assessment of the evidence sought to be introduced under Rule 68(3), based on the circumstances of each case, which includes analysing the importance of this evidence in light of the charges and other evidence presented or intended to be presented; this assessment is part and parcel of the analysis a Chamber must undertake in determining whether it is not prejudicial to or inconsistent with the rights of the accused or with the fairness of the trial generally, to allow for the evidence in question to be introduced under Rule 68(3).⁷
8. In conducting this analysis, a Chamber may take into account a number of factors, including the following: (i) whether the evidence relates to issues that are not materially in dispute; (ii) whether that evidence is not central to core

⁴ [ICC-01/14-01/18-1262-Red](#).

⁵ [ICC-01/14-01/18-1262-Red](#).

⁶ *Prosecutor v. Gbagbo and Blé Goudé*, [Judgment on the appeals of Mr Laurent Gbagbo and Mr Charles Blé Goudé against the decision of Trial Chamber I of 9 June 2016 entitled “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68\(2\)\(b\) and 68\(3\)”](#), 1 November 2016, ICC-02/11-01/15-744, para. 69.

⁷ *Ibid*, para. 71.

issues in the case, but only provides relevant background information; and (iii) whether the evidence is corroborative of other evidence.⁸

SUBMISSIONS

9. While the Statement contains allegations as regards the “BANGUI (including CATTIN) and BOEING” crime base, the majority of P-2353’s evidence relates to the PK9-MBAIKI Axis crimes base – itself an important subject of this case, linked to five of the 21 Counts brought against Mr. Yekatom. However, the Defence notes that out of the 11 “crime base witnesses for the PK9-MBAIKI axis”,⁹ only one, P-1666, is currently scheduled to provide his full testimony in court.¹⁰
10. As for the Boeing Market or the 5 of December attack where many witnesses testified fully *viva voce*, the Defence argues that it is in the interest of justice to have multiple witnesses providing their account on the events that occurred on the PK9-MBAIKI axis, fully *viva voce*. This mode of testimony will allow the Chamber, Parties, Participants and the public to have a better understanding of the events that transpired in these locations. This better understanding will, in turn, enhance the ability of the Chamber to perform its truth-seeking function.
11. In any event, the Statement contains allegations that are central to core issues in the case, in relation to materially disputed issues (I); the probative value of the Statement is limited for various reasons (II); and the estimated time saved would be minimal and outweighed by the prejudicial effect of the formal submission of the Statement (III).

⁸ *Prosecutor v. Jean-Pierre Bemba Gombo*, [Judgment on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against the decision of Trial Chamber III entitled "Decision on the admission into evidence of materials contained in the prosecution's list of evidence"](#), ICC-01/05-01/08-1386, 3 May 2011, para. 78.

⁹ [ICC-01/14-01/18-724-Conf-AnxA](#), p. 35-39, witnesses # 60 to 71.

¹⁰ The Defence did not take into account witness P-2196, scheduled as a live witness, as his current participation in the trial is unclear following the information provided by the Prosecution.

I. The Statement contains allegations that are central to core issues in the case and relate to materially disputed issues

12. As partly conceded in the Request, the Statement contains allegations regarding the 5 December attack and the targeting of Muslims in BOEING; the dislocation of the Muslim population along the PK9-MBAIKI axis; the murder of Deputy Mayor SALEH in MBAIKI; and the role of Mr. Yekatom and his group. These allegations are central to core issues in this case and/or relate to materially disputed issues.

A. Allegations regarding the 5 December attack

13. The Statement contains the allegation that “after the 5th of December, the Anti-Balaka started killing Muslims trapped in areas such as BOEING[.]”¹¹ P-2353 later adds that he had heard that Mr Yekatom was “involved in the attack on 5th December in BANGUI”.¹²
14. P-2353’s evidence, read constructively with the Prosecution charges regarding the “BANGUI (including CATTIN) and BOEING” crime base,¹³ as well as the Prosecution submission that the Statement establishes *inter alia* the targeting of Muslims by the Anti-Balaka in BANGUI after 5 December 2013,¹⁴ should therefore be understood as relating to a materially disputed issue. The prejudicial effect of this allegation is unduly compounded by its highly unspecific and undetailed nature, as well as its being anonymous hearsay (as addressed in detail below).

B. Allegations regarding dislocation of the Muslim population along the PK-9-MBAIKI axis

¹¹ [CAR-OTP-2100-0226-R03](#), para. 34.

¹² [CAR-OTP-2100-0226-R03](#), paras. 40, 49.

¹³ See, Counts 1-5 and 8.

¹⁴ [ICC-01/14-01/18-1262-Conf](#), para. 11; Public redacted version: [ICC-01/14-01/18-1262-Red](#).

15. The Statement contains extensive, highly prejudicial allegations as regards the alleged acts and conduct of Mr. Yekatom, and his elements, and the Anti-Balaka generally, that caused the Muslims to leave; and the number of Muslims who fled, and the manner in which they did so; all of which relate directly to material elements of the disputed charges comprising Counts 24-25 and 28.¹⁵
16. In the Decision on the Confirmation of Charges, Counts 24 and 25 were confirmed “in the context of the Anti-Balaka’s advance through and takeover of villages along the PK9-Mbaïki Axis”¹⁶ and on the basis *inter alia* of the finding that “many Muslims fled their villages *in fear* [emphasis added]”.¹⁷ According to the Prosecution’s Trial Brief what “heightened caused MBAIKI’s Muslim population to flee *en masse*” was “the increasingly hostile environment towards Muslims that YEKATOM’s Group perpetuated”.¹⁸
17. As appears from the terminology employed by the Pre-Trial Chamber for these charges and the Prosecution case on PK9-MBAIKI axis, the feelings of the Muslim population and especially its fear played a central role in their departure. Therefore, evidence of elements contributing to the reason of the departure of the Muslims from their villages to MBAIKI and from MBAIKI to Chad or other places are not mere background information, but are central to core issues of in this case.
18. In the Statement, P-2353 mentions the word “fear” no less than fourteen times, referring to him or other people “fearing for my/their life(s)” when the Anti-Balaka arrived, “fearing attack and being killed by the Anti Balaka” or “fearing Anti Balaka violence”.¹⁹ P-2353 claims that “people in the provinces were frightened, of a surprise Anti Balaka attack and they could not sleep at night as

¹⁵ See, [ICC-01/14-01/18-1262-Conf](#), paras. 2, 9, 11; Public redacted version: [ICC-01/14-01/18-1262-Red](#).

¹⁶ [ICC-01/14-01/18-403-Conf-Corr](#), p. 105; Public redacted version: [ICC-01/14-01/18-403-Red-Corr](#).

¹⁷ [ICC-01/14-01/18-403-Conf-Corr](#), para. 139; Public redacted version: [ICC-01/14-01/18-403-Red-Corr](#).

¹⁸ [ICC-01/14-01/18-723-Conf](#), para. 469; Public redacted version : [ICC-01/14-01/18-723-Red](#).

¹⁹ [CAR-OTP-2100-0226-R03](#), paras. 24, 25, 37, 38, 41, 44, 45, 47, 50, 54, 59, 61.

there was no security”.²⁰ P-2353 concludes that he is convinced that the Muslims would have been killed by the Anti Balaka if they had not left MBAIKI;²¹ and that he does not think he can return to his village “anytime soon”.²²

19. P-2353 provides evidence regarding Muslims fleeing from MBAIKI;²³ and to MBAIKI from BAGANDOU,²⁴ BOKOKO,²⁵ BOUCHIA,²⁶ and BANGUI-BOUCHIA,²⁷ and from BOBOA, BOUAKA, BOUKOUMA, SEKIA, BIMON, PISSA, and NDANGALA.²⁸ The Defence underlines that P-2353 is the sole witness who provides evidence regarding Muslims fleeing [REDACTED].
20. P-2353 also gives details concerning the number of persons concerned by the alleged dislocation: about “60-70 individuals” in BAGANDOU, “forty people on [REDACTED]” and all the Muslims from BOKOKO who “are all in exile”.²⁹
21. P-2353 further explains how the movement of the population allegedly took place, i.e. with the help of the traders,³⁰ and including [REDACTED] “[REDACTED]”.³¹
22. Moreover, P-2353 makes allegations as to Mr Yekatom’s acts and conduct. He claims that Mr. Yekatom “was in charge of the Anti-Balaka in the LOBAYE”³² and that “RAMBO took over the entire area as soon as the Seleka left, possibly two weeks after DJOTODIA stepped down”.³³ P-2353 states that the Anti-Balaka in MBAIKI were Mr. Yekatom elements “because RAMBO stated at the

²⁰ [CAR-OTP-2100-0226-R03](#), para. 44.

²¹ [CAR-OTP-2100-0226-R03](#), para. 64.

²² [CAR-OTP-2100-0226-R03](#), para. 69.

²³ [CAR-OTP-2100-0226-R03](#), paras. 60-68.

²⁴ [CAR-OTP-2100-0226-R03](#), para. 38.

²⁵ [CAR-OTP-2100-0226-R03](#), paras. 41-42, 44.

²⁶ [CAR-OTP-2100-0226-R03](#), para. 41.

²⁷ [CAR-OTP-2100-0226-R03](#), para. 29.

²⁸ [CAR-OTP-2100-0226-R03](#), para. 44.

²⁹ [CAR-OTP-2100-0226-R03](#), paras. 38, 42, 62.

³⁰ [CAR-OTP-2100-0226-R03](#), para. 41.

³¹ [CAR-OTP-2100-0226-R03](#), paras. 38, 41, 44.

³² [CAR-OTP-2100-0226-R03](#), para. 40.

³³ [CAR-OTP-2100-0226-R03](#), para. 49.

church that he was in charge of the Anti Balaka".³⁴

23. P-2353 also repeatedly states that he had never seen Mr Yekatom punish or discipline his elements.³⁵ This allegation likewise goes directly to Mr Yekatom's charged acts and conduct: specifically, to the Prosecution claim that Mr. Yekatom's alleged "failure to discipline and punish elements that committed crimes against Muslim civilians" comprises an "essential contribution" to the charged crimes.³⁶
24. P-2353 further describes the alleged violent acts and conduct of Mr. Yekatom's supposed elements. He states that the Anti-Balaka "were threatening our children, women and elders with their machetes", saying that "they were going to kill us, cut us in pieces" and that they "would destroy our houses".³⁷ P-2353 alleges that "it happened constantly, increasing our fears of being attacked and killed as each day passed".³⁸
25. P-2353 further claims that Mr. Yekatom couldn't control his elements.³⁹ He affirms that "the Anti-Balaka did not respect RAMBO's instruction when he said they were not to go to the market to harass Muslims",⁴⁰ that they "seemed to disregard completely what RAMBO said" and that "despite what RAMBO said [P-2353 does] not think he could control of all his elements".⁴¹ He further states "when RAMBO was not around they were doing whatever they felt like"⁴² but also that "these threats and menacing gestures were made when RAMBO was in MBAIKI as well as when he was away".⁴³

³⁴ [CAR-OTP-2100-0226-R03](#), para. 53.

³⁵ [CAR-OTP-2100-0226-R03](#), paras. 57, 66.

³⁶ [ICC-01/14-01/18-723-Conf](#), paras. 362, 376. Public redacted version : [ICC-01/14-01/18-723-Red](#).

³⁷ [CAR-OTP-2100-0226-R03](#), para. 53.

³⁸ [CAR-OTP-2100-0226-R03](#), para. 54.

³⁹ [CAR-OTP-2100-0226-R03](#), para. 53.

⁴⁰ [CAR-OTP-2100-0226-R03](#), para. 54.

⁴¹ [CAR-OTP-2100-0226-R03](#), paras. 53, 66.

⁴² [CAR-OTP-2100-0226-R03](#), para. 66.

⁴³ [CAR-OTP-2100-0226-R03](#), para. 55.

26. While the Defence concedes that for the purposes of Rule 68, the ‘acts and conduct’ of an accused does not extend to the acts and conduct of “others which are attributable to the accused under the modes of liability charged by the Prosecution”,⁴⁴ it is submitted that P-2353’s extensive and prejudicial allegations as to the acts and conduct of Mr Yekatom’s elements nonetheless must be considered in the Chamber’s broader assessment as to whether admission of the Statement under Rule 68(3) would be unduly prejudicial to the fair trial rights of Mr Yekatom, in accordance with the criteria set out above.

C. Allegations regarding the murder of Deputy Mayor SALEH in MBAIKI

27. In a similar vein, the Statement contains disputed allegations as regards the murder of Deputy Mayor SALEH in MBAIKI, which relate to three charges brought against Mr. Yekatom.⁴⁵
28. P-2353 stated that while the Muslims were fleeing, “one Muslim brother stayed behind, Adam Saleh DJIDO, the Third Deputy to the Mayor, and he was killed by the Anti-Balaka”.⁴⁶ Given P-2353’s disputed claim that the perpetrators of SALEH DJIDO’S murder in MBAIKI were Mr. Yekatom’s elements,⁴⁷ P-2353’s evidence regarding SALEH, read constructively, relates to a materially disputed issue and goes to a core issue in this case.

II. The Statement is insufficiently reliable and its probative value is outweighed by its prejudicial effect.

29. There are various indicia of unreliability apparent in the Statement, which would further compound the prejudicial effect of its introduction under Rule 68(3).

⁴⁴ See e.g., *Prosecutor v. Ongwen*, [Decision on the Prosecution’s Application for Introduction of Prior Recorded Testimony under Rule 68\(2\)\(b\) of the Rules](#), ICC-02/04-01/15-596-Red, 18 November 2016, para. 11 and references cited therein.

⁴⁵ Counts 26, 27 and 29.

⁴⁶ [CAR-OTP-2100-0226-R03](#), para. 61.

⁴⁷ [CAR-OTP-2100-0226-R03](#), para. 53.

30. First, the witness was not himself eyewitness to the vast majority of the alleged events discussed in his statement. While the Defence concedes that hearsay evidence is not per se inadmissible, it is nonetheless submitted that the extraordinary degree to which the Statement contains hearsay evidence negatively impacts its reliability and renders the Statement insufficiently probative for introduction under Rule 68(3).
31. Specifically, in the Statement, P-2353 provided hearsay allegations – a number of which are disputed and/or go to core issues – as to: the BANGUI-BOUCHIA killings by the Anti-Balaka;⁴⁸ the origins of the Anti-Balaka;⁴⁹ the 5 December 2013 attack and the alleged killing of Muslims by the Anti-Balaka, including in BOEING;⁵⁰ the “fear” harboured by Muslims on villages on the PK9-MBAIKI axis;⁵¹ the killing of the Imam of BAGANDOU;⁵² Mr Yekatom being “in charge of the Anti-Balaka in the LOBAYE”;⁵³ an Anti-Balaka attack on a truck in SAMBA;⁵⁴ the fleeing of Muslims from NDANGA “fearing Anti-Balaka attack”;⁵⁵ the Anti-Balaka arrival in MBAIKI;⁵⁶ Mr Yekatom’s movements in LOBAYE;⁵⁷ the presence of his elements “all along” the PK9-MBAIKI axis;⁵⁸ the St Jeanne D’Arc Church meeting in MBAIKI;⁵⁹ and the role of COEUR DE LION, as well as his death.⁶⁰
32. In making these allegations, the witness relies on a panoply of sources – named

⁴⁸ [CAR-OTP-2100-0226-R03](#), paras. 27-31.

⁴⁹ [CAR-OTP-2100-0226-R03](#), para. 32.

⁵⁰ [CAR-OTP-2100-0226-R03](#), paras. 33-35.

⁵¹ [CAR-OTP-2100-0226-R03](#), para. 37.

⁵² [CAR-OTP-2100-0226-R03](#), para. 38.

⁵³ [CAR-OTP-2100-0226-R03](#), para. 40.

⁵⁴ [CAR-OTP-2100-0226-R03](#), para. 41.

⁵⁵ [CAR-OTP-2100-0226-R03](#), para. 45.

⁵⁶ [CAR-OTP-2100-0226-R03](#), para. 50.

⁵⁷ [CAR-OTP-2100-0226-R03](#), para. 49.

⁵⁸ [CAR-OTP-2100-0226-R03](#), para. 49.

⁵⁹ [CAR-OTP-2100-0226-R03](#), paras. 52, 57.

⁶⁰ [CAR-OTP-2100-0226-R03](#), para. 56.

individuals;⁶¹ anonymous individuals;⁶² unnamed relatives;⁶³ anonymous telephone contact;⁶⁴ the radio or television;⁶⁵ and simply “rumours”.⁶⁶

33. Second, the probative value of the Statement is further compromised by P-2353’s apparent readiness to speculate. For instance, P-2353’s prejudicial and disputed claim that ‘[t]he elements who were issuing threats were RAMBO’s elements’ is a speculative assumption based on Mr Yekatom’s alleged statements at the St. Jeanne d’Arc Church meeting – a meeting at which P-2353 was not even in attendance.⁶⁷ P-2353 similarly speculates as to the reason why, during the evacuation of MBAIKI, Chadian soldiers were beating people with batons – suggesting that they were being beaten for attempting to load luggage onto the trucks, as opposed to the beatings being an aspect of the forced evacuation by Chadian soldiers.⁶⁸
34. Allowing the introduction into evidence of the Statement would have the undesirable effect of flooding the trial record with unreliable, low-probative-value claims. Not only are such claims of very limited assistance to the Chamber’s truth-seeking function; they are in fact detrimental to judicial economy, given that a number of these hearsay and/or speculative claims are prejudicial enough to require being addressed in cross-examination by the Defence. On the contrary, a *viva voce* in full appearance by P-2353 would necessarily have a filtering effect on the evidence to be brought through the witness, and by extension, would streamline Defence cross-examination, thereby benefiting the expeditiousness and judicial economy of these proceedings.

⁶¹ [CAR-OTP-2100-0226-R03](#), paras. 28, 33, 41, 52.

⁶² [CAR-OTP-2100-0226-R03](#), paras. 27, 29, 32, 34, 37, 38, 40, 45, 56.

⁶³ [CAR-OTP-2100-0226-R03](#), paras. 32, 34.

⁶⁴ [CAR-OTP-2100-0226-R03](#), paras. 32, 37.

⁶⁵ [CAR-OTP-2100-0226-R03](#), paras. 32-33.

⁶⁶ [CAR-OTP-2100-0226-R03](#), para. 40.

⁶⁷ [CAR-OTP-2100-0226-R03](#), paras. 52-53.

⁶⁸ [CAR-OTP-2100-0226-R03](#), para. 63.

35. Lastly, P-2353's undated, disputed account of the alleged towing and confiscation of [REDACTED] truck by Mr Yekatom's elements appears to be mere character evidence, of no relevance to the charges.⁶⁹ This account should give rise to further caution in the Chamber's assessment, not merely because of its unduly prejudicial nature, but also given P-2353's admission of a degree of personal resentment towards Mr Yekatom arising from this alleged incident.⁷⁰ In this respect, it should also be noted that P-2353 appears to have harboured a degree of mistrust of Mr Yekatom from the outset, on the basis that "he was a military man and the leader of the Anti-Balaka".⁷¹

III. The estimated time saved would be minimal and outweighed by the prejudicial effect of the formal submission of the Statement

36. As conceded in the Request, the Prosecution's estimate as to the time saved should the Request be granted amounts to a mere two hours – i.e. little more than one session.⁷²

37. Contrary to the Request, the projected shortening of the testimony of P-2353 by two hours is negligible; and in any event, is far from "considerable".⁷³ By way of comparison, the Defence recalls that Chamber's most recent decision on Prosecution Rule 68(3) requests involved time savings of seven hours (for P-0992), five hours (for P-0446); three hours (for P-0888 – which request was unopposed); and six hours (for P-0889).⁷⁴

⁶⁹ [CAR-OTP-2100-0226-R03](#), para. 59.

⁷⁰ [CAR-OTP-2100-0226-R03](#), para. 59.

⁷¹ [CAR-OTP-2100-0226-R03](#), para. 58.

⁷² [ICC-01/14-01/18-1262-Conf](#), paras 14, 16, 18. A public redacted version : [ICC-01/14-01/18-1262-Red](#).

⁷³ *Contra*, [ICC-01/14-01/18-1262-Conf](#), para. 19. A public redacted version is also available [ICC-01/14-01/18-1262-Red](#). See where Trial Chamber X found that estimated time savings of 1 hour and ten minutes was 'negligible', *Prosecutor v. Al Hassan*, [Second Decision on the introduction of prior recorded testimonies pursuant to Rule 68\(2\) of the Rules](#), ICC-01/12-01/18-1267-Red, 17 February 2021, paras 6-9; see also, where Trial Chamber I found that estimated time savings of 2.5 hours was 'relatively limited', *Prosecutor v. Gbagbo & Blé Goudé*, [Decision on the "Prosecution's application to conditionally admit the prior recorded statement and related documents in relation to Witness P-0045 under rule 68\(3\)"](#), ICC-02/11-01/15-789, 2 February 2017, para. 9.

⁷⁴ See [ICC-01/14-01/18-1226-Conf](#), paras. 12, 15, 20, 23, 25, 28 and 30.

38. Further recalling that the aim underlying the Rule 68(3) procedure is the promotion of the expeditiousness of the proceedings,⁷⁵ the Defence respectfully submits that it cannot be reasonably argued that the projected time-saving of a mere two hours would meaningfully advance this cause.
39. In any event, what little might be gained in expeditiousness would not outweigh the prejudice that would be occasioned to Mr. Yekatom's fair trial rights by the introduction of the Statement via Rule 68(3).⁷⁶

CONFIDENTIALITY

40. The present response is filed on a confidential basis corresponding to the classification of the Request and due to the presence of identifying information of P-2353. A public redacted version is being filed simultaneously.

RELIEF SOUGHT

41. In light of the above, the Defence respectfully requests Trial Chamber V to:
- REJECT** the Request.

RESPECTFULLY SUBMITTED ON THIS 8th DAY OF FEBRUARY 2022



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands

⁷⁵ See [Gbagbo & Blé Goudé Judgment](#), paras. 60-61.

⁷⁶ See [Gbagbo & Blé Goudé Judgment](#), para. 62.