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Date: 15 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 YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public redacted version of

**Tenth Decision on the Prosecution Requests for Formal Submission of Prior
Recorded Testimonies under Rule 68(3) of the Rules concerning Witnesses
P-1595, P-2658 and P-2453**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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TRIAL CHAMBER V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaissona*, having regard to Articles 64(2), 67(1) and 69 of the Rome Statute, and Rule 68(1) and (3) of the Rules of Procedure and Evidence (the ‘Rules’), issues this ‘Tenth Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies under Rule 68(3) of the Rules concerning Witnesses P-1595, P-2658 and P-2453’.

I. Procedural history

1. On 10 March 2021, the Chamber issued its first decision under Rule 68(3) of the Rules (the ‘First Rule 68(3) Decision’), in which it set out the applicable law for requests for the introduction of prior recorded testimonies under Rule 68(3) of the Rules.¹
2. Between 15 December 2021 and 13 January 2022, the Office of the Prosecutor (the ‘Prosecution’) requested the introduction, under Rule 68(3) of the Rules, of the statements and associated documents of witnesses P-1595, P-2658, and P-2453 (the ‘P-1595 Request’,² the ‘P-2658 Request’,³ and the ‘P-2453 Request’,⁴ respectively).

¹ Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies under Rule 68(3) of the Rules concerning Witnesses P-1962, P-0925, P-2193, P-2926, P-2927, P-1577 and P-0287, and the Ngaissona Defence Motion to Limit the Scope of P-2926’s Evidence, ICC-01/14-01/18-907-Conf (public redacted version notified on 1 April 2021, ICC-01/14-01/18-907-Red).

² Prosecution’s Request for the Formal Submission of the Prior Recorded Testimony of P-1595 pursuant to Rule 68(3), 15 December 2021, ICC-01/14-01/18-1217-Conf (with confidential Annexes A and B) (public redacted version notified the same day, ICC-01/14-01/18-1217-Red).

³ Prosecution’s Request for the Formal Submission of the Prior Recorded Testimony of P-2658 pursuant to Rule 68(3), 22 December 2021, ICC-01/14-01/18-1228-Conf (with confidential Annexes A and B) (public redacted version notified the same day, ICC-01/14-01/18-1228-Red).

⁴ Prosecution’s Request for the Formal Submission of the Prior Recorded Testimony of P-2453 pursuant to Rule 68(3), 13 January 2022, ICC-01/14-01/18-1247-Conf (with confidential Annexes A and B) (public redacted version notified on 14 January 2022, ICC-01/14-01/18-1247-Red).

3. On 28 December 2021, the Ngaïssona Defence indicated that it does not intend to respond to the P-1595 Request.⁵ On 18 January 2022,⁶ the Yekatom Defence opposed the P-1595 Request.⁷
4. On 18 January 2022, the Ngaïssona Defence informed the Chamber that it does not intend to file a response to the P-2453 Request.⁸ On 19 January 2022, the Yekatom Defence⁹ and the Common Legal Representatives of the Victims (the ‘CLR’)¹⁰ indicated that they do not intend to file a response to the P-2453 Request.
5. On 19 January 2022, the Yekatom Defence¹¹ and the CLR¹² indicated that they do not intend to file a response to the P-2658 Request. On 7 February 2022,¹³ the Ngaïssona Defence opposed the P-2658 Request.¹⁴

II. Analysis

6. The Chamber incorporates by reference the applicable law as set out in the First Rule 68(3) Decision.¹⁵

⁵ Email from the Ngaïssona Defence, 28 December 2021, at 10:35.

⁶ The Chamber suspended the time limits related to any motion submitted via formal filing or email between Friday, 17 December 2021, at 17:30 and the end of the judicial recess on Monday, 10 January 2022, at 09:00 (*see* email from the Chamber, 14 December 2021, at 09:59). Subsequently, the Chamber granted a request by the Yekatom Defence to extend the response deadline to, *inter alia*, the P-1595 Request, for all participants (*see* email from the Chamber, 20 December 2021, at 09:27).

⁷ Yekatom Defence Response to the “Prosecution’s Request for the Formal Submission of the Prior Recorded Testimony of P-1595 pursuant to Rule 68(3)”, 15 December 2021, ICC-01/14-01/18-1217-Conf, ICC-01/14-01/18-1252-Conf (public redacted version notified the same day, ICC-01/14-01/18-1252-Red) (the ‘Yekatom Defence Response to the P-1595 Request’).

⁸ Email from the Ngaïssona Defence, 18 January 2022, at 10:08.

⁹ Email from the Yekatom Defence, 19 January 2022, at 07:49.

¹⁰ Email from the Common Legal Representatives of Other Crimes, 19 January 2022, at 09:02; email from the Common Legal Representatives of Former Child Soldiers, 19 January 2022, at 09:25.

¹¹ Email from the Yekatom Defence, 19 January 2022, at 07:49.

¹² Email from the Common Legal Representatives of Other Crimes, 19 January 2022, at 09:02; Common Legal Representatives of Former Child Soldiers, 19 January 2022, at 09:25.

¹³ The Single Judge granted the Ngaïssona Defence’s request for an extension of time to respond to the P-2658 Request (*see* email from the Chamber, 31 January 2022, at 18:21).

¹⁴ Defence Response to the “Prosecution’s Request for the Formal Submission of the Prior Recorded Testimony of P-2658 pursuant to Rule 68(3)”, ICC-01/14-01/18-1273-Conf (the ‘Ngaïssona Defence Response to the P-2658 Request’).

¹⁵ First Rule 68(3) Decision, ICC-01/14-01/18-907-Red, paras 8-16.

A. P-1595

I. Submissions

7. The Prosecution seeks to introduce the prior recorded testimony of witness P-1595, comprising the transcribed statement of the witness's interview.¹⁶ It submits that the introduction of P-1595's prior recorded testimony would help streamline the proceedings, reducing the time for its examination from at least four to two hours.¹⁷ According to the Prosecution, P-1595's statement is highly relevant and probative,¹⁸ and corroborated by several witnesses.¹⁹
8. The Yekatom Defence opposes the P-1595 Request.²⁰ It submits that P-1595 should provide his testimony fully *viva voce* considering, *inter alia*, that (i) due to his 'relatively important and unique' position and location during the conflict, he is one of the most important witnesses for the events that occurred on the PK9-Mbaïki axis, related to five charges brought against Mr Yekatom; (ii) he is one of the first witnesses scheduled to testify about these events; and (iii) 'a mere additional two hours to his examination by the Prosecution is not excessive and does not cause undue delay to the trial'.²¹ Moreover, the Yekatom Defence argues that other factors militate in favour of rejecting the P-1595 Request, such as (i) the extensive references to core issues of the case in P-1595's statement, including the evacuation of Muslims from their villages to Mbaïki and, thereafter, from Mbaïki to Bangui, Chad or other places, as well as the killing of Djido Saleh in Mbaïki; and (ii) his references to 'prejudicial rumours about Mr Yekatom', which appear to be 'vague[ly] and dubious[ly]' founded.²²

¹⁶ P-1595 Request, ICC-01/14-01/18-1217-Red, paras 1, 19; Annex A to the P-1595 Request, ICC-01/14-01/18-1217-Conf-AnxA.

¹⁷ P-1595 Request, ICC-01/14-01/18-1217-Red, paras 1, 4, 15, 17.

¹⁸ P-1595 Request, ICC-01/14-01/18-1217-Red, para. 10.

¹⁹ P-1595 Request, ICC-01/14-01/18-1217-Red, para. 13.

²⁰ Yekatom Defence Response to the P-1595 Request, ICC-01/14-01/18-1252-Red, paras 2, 36.

²¹ Yekatom Defence Response to the P-1595 Request, ICC-01/14-01/18-1252-Conf, paras 2, 14, 24.

²² Yekatom Defence Response to the P-1595 Request, ICC-01/14-01/18-1252-Red, paras 18, 27-33.

2. *The Chamber's determination*

9. P-1595 was [REDACTED] during the relevant time. In his statement,²³ P-1595 discusses, *inter alia*, (i) the situation in Mbaïki prior to the conflict; (ii) the arrival of the Seleka in Mbaïki and events occurring under two different Seleka commands (including the beginning of the 'animosity' between Christians and Muslims); (iii) rumours spreading about the Anti-Balaka planning to attack Mbaïki, 'Rambo' and his elements committing crimes and Muslims being killed by the Anti-Balaka, and, as a result, Muslims from the nearby villages evacuating to Mbaïki or other places; and (iv) the Seleka leaving Mbaïki and the Anti-Balaka arriving two days later, after which they set up three bases and took over the checkpoints.
10. In addition, the witness discusses (v) the arrival of 'Rambo' and his elements to Mbaïki, followed by a meeting in which 'Rambo' stated that he did not have any problem with the Muslims of Mbaïki but only with Djotodia, and 'Rambo' later addressing the crowd in the city centre; (vi) the witness noticing thereafter that the Anti-Balaka did not agree with 'Rambo' because 'they wanted to kill and pillage'; and (vii) the witness [REDACTED] 'Rambo' [REDACTED], and hearing some time later that he had succeeded, at which point the witness learnt that his name was Yekatom.
11. Lastly, P-1595 also discusses (viii) the conditions endured by the Muslim evacuees in Mbaïki, who were insulted and threatened by the Anti-Balaka, as well as the evacuation of Muslims from Mbaïki (including the witness and his family) after hearing that the mosques in the villages had been destroyed and out of fear of being killed by the Anti-Balaka; (ix) the Anti-Balaka destroying the mosques and the homes of Chadian Muslims after their evacuation; and (x) the witness hearing from [REDACTED] that Djido Saleh had been attacked, stoned and 'cut [...] up in pieces' by the Anti-Balaka after he refused to flee Mbaïki.
12. At the outset, the Chamber observes that while parts of P-1595's statement may relate to core issues in this case, as submitted by the Yekatom Defence, other

²³ CAR-OTP-2104-0274; CAR-OTP-2118-1159 (French translation).

parts do not seem to relate to such issues. In any event, the Chamber recalls that while its decision on the introduction of a prior recorded testimony may be guided by, *inter alia*, the question whether the evidence is central to core issues in the case, this factor is not a requirement pursuant to Rule 68(3) of the Rules.²⁴ It further recalls that references to the accused's acts and conduct do not *per se* constitute an obstacle to the introduction of a prior recorded testimony pursuant to this provision.²⁵

13. Moreover, the Chamber notes that other witnesses are expected to provide evidence on the issues discussed by P-1595 in his statement, either fully live or under Rule 68(3) of the Rules.²⁶ In addition, the Chamber recalls that the Defence will have the opportunity to examine the witness on these issues in court. In this context, the Defence will also have an opportunity to clarify the witness's basis of knowledge for his allegations against Mr Yekatom.
14. With regard to the Yekatom Defence's submissions on the uniqueness of P-1595's position and location, the Chamber does not consider that this factor, or the alleged uniqueness of the witness's evidence, by itself, militates against the introduction of his evidence under Rule 68(3) of the Rules.²⁷
15. Lastly, the Chamber notes that the introduction of P-1595's prior recorded testimony would cut the time for the Prosecution's witness examination from at least four to two hours, thereby promoting the expeditiousness of the proceedings.

²⁴ First Rule 68(3) Decision, ICC-01/14-01/18-907-Red, para. 14, with further references.

²⁵ See e.g. Ninth Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies under Rule 68(3) of the Rules concerning Witnesses P-0992, P-0446, P-0888, P-0889 and P-1416, 21 December 2021, ICC-01/14-01/18-1226-Conf, para. 9.

²⁶ See e.g. **P-1666**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, pp. 35-36, entry 60; **P-2041**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 36, entry 62; **P-2419**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, pp. 36-37, entry 63; **P-2389**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 37, entry 64; **P-2196**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 37, entry 65; **P-1813**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, pp. 37-38, entry 66; **P-2353**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 38, entry 67; **P-2354**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 38, entry 68; **P-2084**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, pp. 38-39, entry 70; **P-1823**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 39, entry 71.

²⁷ See also Eighth Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies under Rule 68(3) of the Rules concerning Witnesses P-1193, P-0876, and P-0475, 23 November 2021, ICC-01/14-01/18-1186-Conf (the 'Eighth Rule 68(3) Decision'), para. 25.

16. In light of the above, the Chamber finds that it is not necessary for P-1595's testimony to be presented orally in its entirety, and considers that the introduction of the prior recorded testimony is not prejudicial to or inconsistent with the rights of the accused.
17. Accordingly, the Chamber grants the Prosecution's request to introduce P-1595's statement²⁸ under Rule 68(3) of the Rules.

B. P-2658

1. Submissions

18. The Prosecution seeks to introduce the prior recorded testimony of P-2658, comprising the transcribed statement of the witness's interview.²⁹ It submits that the introduction of P-2658's prior recorded testimony would help to streamline the proceedings, reducing the time for its examination from at least six to two hours.³⁰ According to the Prosecution, P-2658's statement is highly relevant and probative,³¹ and his evidence is corroborated by several witnesses.³²
19. The Ngaïssona Defence opposes the P-2658 Request,³³ arguing that P-2658's statement (i) is central to core issues in the case which are materially in dispute; (ii) refers to Mr Ngaïssona's alleged acts and conduct; and (iii) is either uncorroborated or 'manifestly inconsistent' with other witnesses' testimonies, particularly as regards alleged activities carried out by the Anti-Balaka in Gobere and the alleged Anti-Balaka attack on Bossangoa on 5 December 2013 (the '5 December 2013 Bossangoa Attack'), which is the reason for the Ngaïssona Defence to challenge the witness's credibility.³⁴ It further argues that introducing P-2658's prior recorded testimony under Rule 68(3) of the Rules would 'only be saving two hours' of the Prosecution's examination while imposing 'an

²⁸ CAR-OTP-2104-0274; CAR-OTP-2118-1159 (French translation).

²⁹ P-2658 Request, ICC-01/14-01/18-1228-Red, paras 1, 18; Annex A to the P-2658 Request, ICC-01/14-01/18-1228-Conf-AnxA.

³⁰ P-2658 Request, ICC-01/14-01/18-1228-Red, paras 1, 3, 14, 16.

³¹ P-2658 Request, ICC-01/14-01/18-1228-Red, para. 9.

³² P-2658 Request, ICC-01/14-01/18-1228-Red, para. 12.

³³ Ngaïssona Defence Response to the P-2658 Request, ICC-01/14-01/18-1273-Conf, paras 2, 22.

³⁴ Ngaïssona Defence Response to the P-2658 Request, ICC-01/14-01/18-1273-Conf, paras 2, 7-8, 18. *See also* paras 9-17.

unreasonable burden on the Defence in preparing for and conducting the cross-examination’, given ‘the density of information contained in P-2628’s prior statement’ and ‘the lack of credibility of this witness’, and therefore ‘not lead to saving court time which is the *raison d’être* of Rule 68(3)’.³⁵

2. *The Chamber’s determination*

20. In his statement,³⁶ P-2658 discusses, *inter alia*, (i) the arrival of the Seleka [REDACTED]; (ii) crimes allegedly committed by the Seleka and Anti Balaka; (iii) [REDACTED]; (iv) [REDACTED]; (v) the organisation, structure and military training provided to the Anti-Balaka in Gobere, under Dedane’s command; (vi) the witness hearing that Mr Ngaïssona communicated through intermediaries with Dedane and had sent ammunition and equipment ‘for the battle’; (vii) the planning and execution of alleged Anti-Balaka attacks on Boiwa, Bouca and Bossangoa under Dedane’s command; (viii) [REDACTED]; (ix) the 5 December 2013 Bossangoa Attack, resulting in the Muslim population of Bossangoa and the surrounding villages seeking refuge at the *École de la Liberté*; (x) [REDACTED]; and (xi) [REDACTED].
21. The Chamber takes note of the Ngaïssona Defence’s submissions that P-2658’s statement is uncorroborated by or inconsistent with the evidence provided by other witnesses as regards alleged activities carried out by the Anti-Balaka in Gobere and the 5 December 2013 Bossangoa Attack. In this respect, the Chamber first recalls that while its decision to allow the introduction of a prior recorded testimony may be guided by several factors, including whether the testimony is corroborative of other evidence, these factors are not requirements pursuant to Rule 68(3) of the Rules.³⁷
22. Second, it notes that the alleged activities carried out by the Anti-Balaka in Gobere do not form part of the charges, but rather support the contextual elements

³⁵ Ngaïssona Defence Response to the P-2658 Request, ICC-01/14-01/18-1273-Conf, para. 20.

³⁶ CAR-OTP-2126-0012; CAR-OTP-2118-6221 (French translation).

³⁷ First Rule 68(3) Decision, ICC-01/14-01/18-907-Red, para. 14, with further references; Eighth Rule 68(3) Decision, ICC-01/14-01/18-1186-Conf, para. 22.

of the charged crimes.³⁸ Third, it recalls that the Ngaïssona Defence will have the opportunity to examine P-2658 on all topics discussed by the witness in his statement, including alleged inconsistencies with other witnesses, in addition to several other witnesses who are expected to provide evidence on these same topics.³⁹ Moreover, and with respect to the accused, the Chamber notes that the witness indicates in his statement that he does not know anything about ‘Rhombot’ except that ‘he was a member of the Anti-Balaka’, and that the references to Mr Ngaïssona are equally limited.⁴⁰

23. Lastly, the Chamber notes that the introduction of P-2658’s statement would cut the time for the Prosecution’s examination of the witness by two thirds, thereby promoting the expeditiousness of the proceedings.
24. In light of the above, the Chamber finds that it is not necessary for P-2658’s testimony to be presented orally in its entirety, and considers that the introduction of the prior recorded testimony is not prejudicial to or inconsistent with the rights of the accused.
25. Accordingly, the Chamber grants the Prosecution’s request to introduce the statement of P-2658⁴¹ under Rule 68(3) of the Rules.

³⁸ See similarly First Rule 68(3) Decision, ICC-01/14-01/18-907-Red, para. 23.

³⁹ As regards Gobere, see e.g. **P-2251**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 13, entry 1; **P-0975**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 17, entry 9; **P-2602**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 18, entry 13; **P-0966**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, pp. 19-20, entry 17. As regards the 5 December 2013 Bossangoa Attack, see e.g. **P-2602**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 18, entry 13; **P-0966**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, pp. 19-20, entry 17; **P-2049**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 31, entry 47; **P-2657**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 31, entry 48; **P-2462**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, pp. 31-32, entry 49; **P-2453**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 32, entry 50; **P-2200**: Final Witness List, ICC-01/14-01/18-724-Conf-AnxA, p. 32, entry 51; see also **P-1577**: transcript of hearing, 29 April 2021, ICC-01/14-01/18-T-027-CONF-ENG; transcript of hearing, 30 April 2021, ICC-01/14-01/18-T-028-CONF-ENG.

⁴⁰ See CAR-OTP-2126-0012, at 0037-0038, paras 164-166, 168.

⁴¹ CAR-OTP-2126-0012; CAR-OTP-2118-6221 (French translation).

C. P-2453

1. Submissions

26. The Prosecution seeks to introduce the prior recorded testimony of P-2453, comprising the witness's statement and two associated exhibits.⁴² It submits that the introduction of P-2453's prior recorded testimony would help to streamline the proceedings, reducing the time for its examination from around four to two hours.⁴³ According to the Prosecution, P-2453's statement is highly relevant and probative,⁴⁴ and corroborated by several witnesses.⁴⁵

2. The Chamber's determination

27. In his statement,⁴⁶ P-2453 discusses, *inter alia*, (i) the Muslim and Christian communities in Bossangoa before the arrival of the Seleka; (ii) the looting committed by the Seleka in Bossangoa and their targeting of Bozizé's supporters; (iii) the emergence of the Anti-Balaka and their attacks in several villages within the area of Bossangoa in September 2013, such as Zere, Ouham-Bac, and Bowaye; (iv) P-2453 fleeing, [REDACTED]; (v) the names of some Muslim civilians allegedly killed and raped by the Anti-Balaka in Bowaye and Koro Mpoko; (vi) the alleged Anti-Balaka attack against the Seleka in Bossangoa on 17 September 2013 (the '17 September 2013 Bossangoa Attack'), including the names of some Muslim civilians allegedly killed and injured in the course of the attack, and the identities of some Anti-Balaka elements; (vii) the Anti-Balaka groups of Benzambe and Bowaye, who allegedly coordinated to carry out the 17 September 2013 Bossangoa Attack, being led, respectively, by former-FACA elements *Caporal* Dedane and *Caporal* Kema; (viii) the 5 December 2013 Bossangoa Attack, particularly in the Boro neighbourhood, including the Anti-Balaka allegedly shooting towards the Muslim civilian population, the identity of some civilians who had been killed and injured, and the names of some Anti-Balaka elements; (ix) the aftermath of the 5 December 2013 Bossangoa Attack,

⁴² P-2453 Request, ICC-01/14-01/18-1247-Red, paras 1, 13, 20; Annex A to the P-2453 Request, ICC-01/14-01/18-1247-Conf-AnxA.

⁴³ P-2453 Request, ICC-01/14-01/18-1247-Red, paras 1, 3, 16-18.

⁴⁴ P-2453 Request, ICC-01/14-01/18-1247-Red, para. 9.

⁴⁵ P-2453 Request, ICC-01/14-01/18-1247-Red, para. 12.

⁴⁶ CAR-OTP-2111-0415; CAR-OTP-2118-2698 (French translation).

including the destruction and looting of houses, the *Mosquée Centrale*, and vehicles; (x) the living conditions at the *École de la Liberté*, where many displaced Muslims sought refuge; (xi) the security situation in Bossangoa, which prevented the Muslim civilian population from returning to their neighbourhoods; and (xii) the evacuation of the Muslim civilian population of Bossangoa to Chad.

28. The Chamber observes that P-2453's statement mainly contain references to crimes allegedly committed by the Anti-Balaka, and that the accused are not mentioned. It further notes that the Defence does not oppose the introduction of P-2453's prior recorded statement under Rule 68(3) of the Rules, and that it will have an opportunity to examine the witness in court. Moreover, the Chamber notes that the introduction of P-2453's prior recorded testimony would cut the time for the Prosecution's examination of the witness by half, thereby promoting the expeditiousness of the proceedings.
29. In light of the above, the Chamber considers that the introduction of P-2453's prior recorded testimony is not prejudicial to or inconsistent with the rights of the accused.
30. Accordingly, the Chamber grants the Prosecution's request to introduce P-2453's statement⁴⁷ and associated documents⁴⁸ under Rule 68(3) of the Rules.

FOR THESE REASONS, THE CHAMBER HEREBY

DECIDES that, subject to the fulfilment of the legal requirements of Rule 68(3) of the Rules, the prior recorded testimonies of the following witnesses are introduced into evidence:

- **Witness P-1595** (CAR-OTP-2104-0274; CAR-OTP-2118-1159 [French translation]);
- **Witness P-2658** (CAR-OTP-2126-0012; CAR-OTP-2118-6221 [French translation]);

⁴⁷ CAR-OTP-2111-0415; CAR-OTP-2118-2698 (French translation).

⁴⁸ CAR-OTP-2111-0438; CAR-OTP-2111-0439. The Chamber observes that the witness also used and explained during his interview item CAR-OTP-2088-2204. However, this item has already been recognised as formally submitted (*see* email decision for P-2193, 3 May 2021, at 19:09).

- **Witness P-2453** (CAR-OTP-2111-0415; CAR-OTP-2118-2698 [French translation]), together with its associated documents CAR-OTP-2111-0438 and CAR-OTP-2111-0439; and

ORDERS the Ngaïssona Defence to file a public redacted version of its response to the P-2658 Request within one week of notification of the present decision.

Done in both English and French, the English version being authoritative.

Judge Péter Kovács

Judge Bertram Schmitt

Presiding Judge

Judge Chang-ho Chung

Dated 15 February 2022

At The Hague, The Netherlands