

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **23 March 2023**

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 Observations to the "Prosecution's Observations pursuant to the Chamber's 'Order regarding the Remainder of the Prosecution's Presentation of Evidence and Order pursuant to Article 64(6)(d) of the Statute, ICC-01/14-01/18-1739-Conf, 31 January 2023', ICC-01/14-01/18-1791-Conf, 10 March 2023"', 23 March 2023

Source: Defence for Mr. Alfred Rombhot Yekatom

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

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**Unrepresented Applicants
(Participation / Reparation)**

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INTRODUCTION

1. The Defence for Mr Alfred Rombhot Yekatom (“Defence”) hereby provides its observations to the Prosecution’s provision of its revised list of remaining witnesses and examination estimates pursuant to the Order of the Chamber issued on 31 January 2023.¹
2. The Defence observations particularly concern the Prosecution’s decision to withdraw P-2511 from its witness list and to request the Chamber to consider calling P-2511 as a Court witness pursuant to articles 64(6)(d) and 69(3) of the Rome Statute (“Statute”).²
3. The Defence defers to the Chamber the decision to call P-2511 as a Court witness but respectfully requests that the following observations be taken into consideration.

PROCEDURAL HISTORY

4. On 10 November 2020, the Prosecution submitted its final list of witnesses³ and its estimated order and timing of the witnesses’ testimony, containing 96 witnesses including P-2511.⁴
5. On 31 January 2023, the Chamber issued an order directing the Prosecution to, *inter alia*, review the number of witnesses it intends to call as well as the time estimates for their examination.⁵
6. On 10 March 2023, the Prosecution provided its revised list of remaining witnesses and examination estimates.⁶ The Prosecution determined it would

¹ [ICC-01/14-01/18-1739-Conf](#). A public redacted version is also available : [ICC-01/14-01/18-1739-Red](#).

² [ICC-01/14-01/18-1791-Conf](#), paras 6 and 7.

³ [ICC-01/14-01/18-724-Conf-AnxA](#).

⁴ [ICC-01/14-01/18-724-Conf-AnxB](#).

⁵ [ICC-01/14-01/18-1739-Conf](#), para. 5.

⁶ [ICC-01/14-01/18-1791-Conf](#).

withdraw eight witnesses including P-2511.⁷ Additionally, it requested that the Chamber consider calling P-2511 as a Court witness pursuant to articles 64(6)(d) and 69(3) of the Statute specifying that, while the witness, “once fully cooperative during the earlier stages of the proceedings, abruptly withdrew his cooperation for reasons yet unclear”.⁸

SUBMISSIONS

7. The Defence wishes to put forth information obtained during the course of its investigations regarding P-2511’s alleged age and role in the Anti-Balaka.
8. During his interview with Prosecution investigators [REDACTED],⁹ P-2511 presented his birth certificate establishing his date of birth [REDACTED].¹⁰ The Defence submits that this birth certificate is a false one.
9. *First*, [REDACTED], identified as “*officier d’État Civil de la Mairie de PLADAMA-OUAKA sous Préfecture*” on the birth certificate, had already been deceased [REDACTED] at the time of its issue as shown by his death certificate¹¹ and grave marker¹² which both date his passing to [REDACTED].
10. *Second*, the chronology of mayors of the same sub-prefecture shows that [REDACTED] held his position as mayor from [REDACTED], and was succeeded by [REDACTED] who exercised until [REDACTED].¹³ Therefore, the former was not a mayor at the time of the alleged birth of P-2511, contrary to what the birth certificate indicates.

⁷ [ICC-01/14-01/18-1791-Conf](#), para. 6.

⁸ [ICC-01/14-01/18-1791-Conf](#), para. 7.

⁹ [CAR-OTP-2114-0178-R03](#).

¹⁰ [CAR-OTP-2114-0192](#).

¹¹ [CAR-D29-0013-0121](#).

¹² [CAR-D29-0010-0020](#).

¹³ [CAR-D29-0014-0073](#).

11. *Third*, the Defence highlights that the signature of the competent authority is missing from the document.¹⁴
12. Moreover, as part of its investigations, the Defence [REDACTED],¹⁵ to verify the accuracy of certain allegations in his witness statement. The Defence contends that, following this interview, it has sufficient reasons to believe that several aspects of P-2511's statement, namely his membership in the Anti-Balaka group in MBAÏKI, his whereabouts at the time of the events, [REDACTED], are incorrect.
13. While the Defence defers to the Chamber as regards the Prosecution request for P-2511 to be called as a Court witness, the present observations aim to assist the Chamber in properly assessing the allegations contained in P-2511's statement and to make an informed decision on the former. Further, the Defence observations serve to promote the expeditiousness of the proceedings, considering that, should the Prosecution's request be granted, the Defence will likely call [REDACTED] as a Defence witness.

CONFIDENTIALITY

14. The present observations are filed on a confidential *ex parte* basis available to the Yekatom Defence and the Prosecution as they refer to confidential Defence investigations. Public and confidential redacted versions are being filed simultaneously.

¹⁴ [CAR-OTP-2114-0192](#).

¹⁵ [REDACTED].

RESPECTFULLY SUBMITTED ON THIS 23rd DAY OF MARCH 2023



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