

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **12 June 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
With Confidential Annex 1**

Motion for Finding of Disclosure Violation in Relation to Witness P-1990

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 Mame Mandiaye Niang
Mr Kweku Vanderpuye

Counsel for Mr. Yekatom

Ms Mylène Dimitri
Ms Anta Guissé
Mr Thomas Hannis
Mr Florent Pages-Granier

Counsel for Mr. Ngaissona

Mr Geert-Jan Alexander Knoops
Ms Marie-Hélène Proulx
Mr Richard Omissé-Namkeamai

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 Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Mr. Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

INTRODUCTION

1. Defence Counsel representing Mr. Alfred Rombhot Yekatom (“Defence”) hereby requests Trial Chamber V to find that the Prosecution failed to disclose in time an investigation report bearing the ERN CAR-OTP-00001499 (“Investigation Report”) containing an important discrepancy on a core issue of P-1990’s testimony which affected the credibility of the Prosecution’s evidence and is potentially exculpatory pursuant to Article 67(2) of the Rome Statute (“Statute”).
2. In light of the content of the Investigation Report, which is similar to what can be found in the Screening Note of a witness, the Defence requests the Chamber to formally recognize that the Prosecution is in violation of its disclosure obligations. In addition, and as detailed below, the Defence requests that the Prosecution be ordered to review all the material in its possession to ensure, prior to the end of its case, that all documents material to the preparation of the defence and/or exculpatory have been duly disclosed.

PROCEDURAL BACKGROUND

3. On 27 November 2017, P-1990 met Prosecution investigators during a meeting at the Yanwara school in Bangui.¹
4. On 16 July 2020, the Chamber instructed the Prosecution to “review all the materials in its possession and disclose all materials fulfilling its disclosure obligations” by 9 November 2020; the Chamber further added that “[t]he Prosecution may – and in some cases, must continue disclosing materials after this date [...]”.²

¹ CAR-OTP-00001499, para. 1; *See also* CAR-OTP-2124-0247-R02, para. 49.

² ICC-01/14-01/18-589, para. 10.

5. On 6 April 2023, the Chamber rejected the Prosecution's request to introduce P-1990's prior recorded testimony pursuant to Rule 68(2) of the Rules of Procedure and Evidence ("Rules") and decided to introduce *proprio motu* P-1990's prior recorded testimony pursuant to Rule 68(3) of the Rules.³
6. On 28 April 2023, the Prosecution, in response to the Chamber's decision, sent an updated schedule for Block 22 including P-1990 who was expected to testify on 30 and 31 May 2023.⁴
7. On 5 May 2023, the Defence sent a disclosure request to the Prosecution in relation to P-1990. First, it requested the Prosecution to clarify the source of the document CAR-OTP-2066-0593 dated 27 November 2017 which appeared to be linked to P-1990. Second, the Defence requested the disclosure of any documents in the Prosecution's possession regarding the 27 November 2017 meeting at the Yanwara school, especially regarding contacts between P-1990 and the Prosecution as well as any comments made by P-1990 during this meeting.⁵
8. On 10 May 2023, the Prosecution responded to the Defence requests, notably explaining that P-1990 indicated the location of the three grave sites marked G, H and I on the document CAR-OTP-2066-0593. Furthermore, the Prosecution disclosed the Investigation Report regarding the conversation between P-1990 and the Prosecution investigators.⁶

³ [ICC-01/14-01/18-1833-Conf-Corr](#)

⁴ Email from the Prosecution to the Defence on 28 April 2023 at 16:03.

⁵ See Annex 1, page 7, Email from the Defence to the Prosecution on 5 May 2023 at 17:51.

⁶ See Annex 1, page 6, Email from the Prosecution to the Defence on 10 May 2023 at 15:26.

APPLICABLE LAW

9. Article 67 (2) of the Rome Statute provides that :

In addition to any other disclosure provided for in this Statute, the Prosecutor shall, as soon as practicable, disclose to the defence evidence in the Prosecutor's possession or control which he or she believes shows or tends to show the innocence of the accused, or to mitigate the guilt of the accused, or which may affect the credibility of prosecution evidence. In case of doubt as to the application of this paragraph, the Court shall decide.

10. Rule 77 of the Rules of Procedure and Evidence states that :

The Prosecutor shall, subject to the restrictions on disclosure as provided for in the Statute and in rules 81 and 82, permit the defence to inspect any books, documents, photographs and other tangible objects in the possession or control of the Prosecutor, which are material to the preparation of the defence or are intended for use by the Prosecutor as evidence for the purposes of the confirmation hearing or at trial, as the case may be, or were obtained from or belonged to the person.

11. It is well-established that the duty of the Prosecution to disclose exculpatory material is necessary to guarantee the right of the accused to a fair trial.⁷ The obligation to disclose exculpatory material, in particular, has consistently benefited from a broad interpretation⁸ and is independent of the existence of other evidence that may undermine it or of the fact “that there are other sources providing similar evidence.”⁹ The counterpart of this obligation is that its violation by the Prosecution may affect the fairness of the proceedings.¹⁰

⁷ *Prosecutor v. Abdallah Banda*, [Decision on Article 54\(3\)\(e\) Documents](#), 23 November 2011, ICC-02/05-03/09-25, para. 14 ; ICC-01/14-01/18-296, para. 12 ; ICC-01/14-01/18-551-Conf, para. 29 ; Public redacted version : ICC-01/14-01/18-551-Red.

⁸ ICC-01/14-01/18-551-Conf, para. 29; Public redacted version: ICC-01/14-01/18-551-Red; *Prosecutor v. Lukic & Lukic*, [Decision on Milan Lukic's Motion for Remedies Arising out of Disclosure Violations by the Prosecution](#), 12 May.

⁹ ICC-01/14-01/18-595, para. 21; *Prosecutor v. Thomas Lubanga Dyilo*, Decision issuing a confidential and a public redacted version of “Decision on disclosure issues, responsibility for protective measures and other procedural matters”, 24 April 2008, ICC-01/04-01/06-1311, para. 94; *Ndindabahizi v. Prosecutor*, [Judgement](#), 16 January 2007, No. ICTR-01-71-A, para. 72; *Prosecutor v. Kordic & Cerkez*, [Judgement](#), 17 December 2004, No. IT-65-14/2-A, paras. 183, 242.

¹⁰ See *Prosecutor v. Oric*, [Decision on Ongoing Complaints About Prosecutorial Non-Compliance With Rule 68 of the Rules](#), 13 December 2005, No. IT-03-68-T, para. 20; *Prosecutor v. Krstic*, [Judgement](#), 19 April 2004, No. IT-98-33-A, para. 178.

SUBMISSIONS

12. This motion follows multiple disclosure violations by the Prosecution either declared by the Chamber or conceded by the Prosecution. Indeed, between 3 September 2019 and 31 May 2023, the Chamber found that the Prosecution violated its disclosure obligations pursuant to Rule 77 on eleven different occasions.¹¹
13. The Defence is highly concerned that the lack of organisation of the Prosecution's archived evidence leads to an incomplete fulfilment of its disclosure obligations, which should be fulfilled on an ongoing basis regardless of any specific request by the Defence identifying items that are material or potentially exculpatory.
14. It is undisputable that the Prosecution had the information contained in the Investigation Report in its possession since 27 November 2017, i.e. the date of the meeting between P-1990 and Prosecution investigators.¹² Taking this into account, the Defence only needs to demonstrate to the Chamber on a *prima facie* basis that this document is potentially exculpatory pursuant to Article 67 (2) of the Statute or, at the very least, material to the Defence pursuant to Rule 77 of the Rules, and that the ensuing disclosure violation is prejudicial to Mr. Yekatom's rights.¹³

¹¹ [ICC-01/14-01/18-315-Conf](#), Public redacted version : [ICC-01/14-01/18-315-Red](#); [ICC-01/14-01/18-342](#) ; [ICC-01/14-01/18-551-Conf](#), Public redacted version: [ICC-01/14-01/18-551-Red](#); [ICC-01/14-01/18-595](#) ; [ICC-01/14-01/18-740-Conf](#) ; Email from the Trial Chamber V to the Parties and Participants on 26 October 2020 at 16:39. *See also*, [ICC-01/14-01/18-783-Anx5](#); [ICC-01/14-01/18-829](#); [ICC-01/14-01/18-1202](#), Public redacted version : [ICC-01/14-01/18-1202-Red](#); [ICC-01/14-01/18-1309-Conf](#), Public redacted version : [ICC-01/14-01/18-1309-Red](#); [ICC-01/14-01/18-1566-Conf-Corr](#), Public redacted version [ICC-01/14-01/18-1566-Red-Corr](#); [ICC-01/14-01/18-1896-Conf](#), Public redacted version : [ICC-01/14-01/18-1896-Red](#).

¹² [CAR-OTP-00001499](#), para 1. *See also* [CAR-OTP-2124-0247-R02](#), para. 49.

¹³ *Prosecutor v. Karemera et al*, [Decision on Joseph Nzirorera's Appeal from Decision on Tenth Rule 68 Motion](#), 14 May 2008, No. ICTR-98-44-AR73.13, para. 9.

15. Thus, after developing on the nature of the Investigation Report (I); the Defence will first demonstrate the Prosecution's disclosure violation (II); and the consequences of such violation for the Defence (III).

I - On the nature of the Investigation Report

16. The Investigation Report disclosed by the Prosecution contained information relating to P-1990's personal knowledge of the events, that he shared with Prosecution investigators during their meeting at the Yanwara school on 27 November 2017.

17. The Defence recalls that in its Decision on the Yekatom Defence Motion for Disclosure of Screening Notes issued on 10 August 2020, the Chamber stated that Screening notes, together with investigative notes or unsigned witness statements fall in the category of documents that "provide 'a personal record' by the investigator of what the witness said."¹⁴

18. The Chamber further held in this decision that while screening notes "do not constitute 'statements made by [...] witnesses' under Rule 76(1) of the Rules", they "may be disclosable under other statutory provisions", and specifically recalled the Prosecution's continuing obligation to disclose under Article 67(2) of the Statute and Rule 77 of the Rules.¹⁵

19. Subsequently, the Chamber issued other decisions¹⁶ in which it found that the Prosecution had breached its disclosure obligation regarding documents that had not been signed by witnesses but contained statements made by these witnesses on the relevant events, namely screenings notes, which are similar in nature to investigation notes.¹⁷

¹⁴ ICC-01/14-01/18-618, para. 11.

¹⁵ ICC-01/14-01/18-618, paras 12-13.

¹⁶ ICC-01/14-01/18-1202-Conf; ICC-01/14-01/18-1309-Conf.

¹⁷ ICC-01/14-01/18-618, para. 11.

20. Consequently, in light of the above, the Defence respectfully requests the Chamber to find that nothing in the nature or format of the Investigation Report justified its non-disclosure to the Defence. The Prosecution should have disclosed the Investigation Report, which content was confirmed by P-1990 himself, during his testimony, as corresponding to what he said to the investigators on 27 November 2017¹⁸ about the graves and number of bodies at the Yanwara school.¹⁹

II - On the violation by the Prosecution of its disclosure obligation

21. The Defence will first argue the potential exculpatory nature and/or materiality of the information contained in the Investigation Report for the preparation of the Defence (i); secondly, it will be demonstrated that such information was in the possession of the Prosecution (ii).

i) The information contained in the Investigation Report was potentially exculpatory and/or material to the preparation of the Defence

22. The Investigation Report affects the credibility of P-1990's statement and mitigates the guilt of Mr. Yekatom in relation to the Prosecution's position that this witness describes crimes committed at the Yanwara School²⁰ which is, on its own, material to the preparation of the Defence.

23. Moreover, the Prosecution has repeatedly shown that the question of the number of buried and exhumed bodies at the Yanwara school was a matter of particular importance to them and one of the major points of P-1990's testimony

¹⁸ [CAR-OTP-2122-5638-R02](#), para. 49 ; *See also* ICC-01/14-01/18-T-237-CONF-ENG ET [14:31:36] to [14:32:58].

¹⁹ ICC-01/14-01/18-T-237-CONF-ENG ET [14:36:37] to [14:38:41].

²⁰ [ICC-01/14-01/18-794-Conf](#) paras. 67.

for the Prosecution, as demonstrated in his expected testimony²¹ and stated by the Presiding Judge.²²

24. Despite this importance, the Prosecution refrained from disclosing the information contained in the Investigation Report relating to comments made by P-1990 during the 27 November 2017 meeting and which it had in its possession since that date, even though this information demonstrated a significant divergence on this precise point of interest and significantly undermined the credibility of P-1990's anticipated evidence.

25. Indeed, while P-1990 indicates in his statement, made in 2020, that ten bodies have been exhumated by an NGO at the Yanwara school,²³ the Investigation Report revealed that on 29 November 2017 "P-1990 says that three bodies were exhumed by an ONG".²⁴ Furthermore, P-1990 confirmed during his testimony that he had always maintained that only 3 bodies were buried and exhumed at the Yanwara school :

Q. [15:06:31] I understand. I don't think you understood my question. I'm speaking about Yamwara school, the location of the school. You told me that you always indicated three bodies next to Yamwara school and that corresponds exactly with your words that -- and what you said, it also corresponds with the data of the NGO IRAD, FSD. Now my question is, is there a difference between -- if there's a difference between what the investigators noted in 2017 from what you said about the number of bodies at Yamwara school, if there's a difference between the number from 2017 and the number that you gave to Yamwara school -- to the investigator in

²¹ See para.17 of the "OTP Summary of P-1990's Expected Testimony" sent by the Prosecution by email on 25 May 2023 at 11:38 ; See also [ICC-01/14-01/18-724-Conf-AnxA](#), page 8 witness #39 ; and [ICC-01/14-01/18-794-Conf](#), para. 67.

²² ICC-01/14-01/18-T-237-CONF-ENG ET [12:33:50] to [12:35:08] : ' *PRESIDING JUDGE SCHMITT: [12:33:50] [...] And if I may say a remark, I think this is also -- these whole issues are not the main reason why the witness is a witness anyway in these proceedings. Ms Dimitri.*

MS DIMITRI (interprétation) : [12:34:36] I understand, Mr President, and I can reassure you that we're going to come to the main reason. But it's a 68(3) witness and, unfortunately -- unfortunately, I do not see -- I do not have the questions that were put by the investigator at the time. I have paragraphs and I have to deal with them because it's part of my duty. And I completely understand that it's a heavy exercise, but I'm coming to the -- I'm coming to an end."

PRESIDING JUDGE SCHMITT: [12:35:08] Yeah, yeah. It's -- it's not a -- it's, of course, not a problem, and indeed it's, let's say, a procedural consequence of Rule 68(3). It's one of these witnesses mutated from 68(2)(b) to 68(3), so that's a consequence and -- but you will recall that with regard to the heart of, or the core issue, one question has already been asked by the Presiding Judge.

²³ [CAR-OTP-2124-0247-R02](#), para. 42.

²⁴ [CAR-OTP-00001499](#) para. 2.

2020, we would agree that you still said three bodies, and if there's a difference in the number, then that is because they misunderstood you. Is that correct?

A. [15:07:49] That's correct. That's indeed the case.²⁵

26. In light of the above, P-1990's statement is materially inconsistent with the account he provided Prosecution's investigators in 2017, as set out in the Investigation Report. Thus, such Investigation Report clearly affects the credibility of P-1990's evidence and is potentially exculpatory pursuant to Article 67(2) of the Statute, or is at the very least material to the preparation of the Defence.

ii) The information contained in the Investigation Report was in possession of the Prosecution

27. The investigators from the Prosecution's Office met with P-1990 on 27 November 2017 at the Yanwara school and took notes of the meeting. During this meeting, P-1990 was interviewed by Prosecution investigators. He gave them information related to the exhumations of the bodies that occurred after the events.²⁶

28. Furthermore, while P-1990's statement was disclosed to the Defence on 26 October 2020,²⁷ neither the Investigation Report of P-1990 nor any comments made by P-1990 on 27 November 2017 during this meeting with the investigators were part of the same disclosure package and remained undisclosed until 10 May 2023. This is despite the presence of contradictions between the information provided during the 27 November 2017 meeting and P-1990's statement, which should have led to their disclosure pursuant to Article 67(2) of the Statute or Rule 77 of the Rules, similar to a screening note. The disclosure of P-1990's statement was an opportunity for the Prosecution to

²⁵ ICC-01/14-01/18-T-237-CONF-ENG ET [15:06:31] to [15:07:49].

²⁶ CAR-OTP-00001499, para 2.

²⁷ Pre-Trial INCRIM package 57 26 October 2020.

assess the content of the 27 November 2017 meeting and disclose it to the Defence.

29. As Prosecution's Counsel has previously already explained, 'normatively', investigation reports are often extracted from notes taken at the time of contact with a witness.²⁸ Therefore, the Prosecution was necessarily in possession of all the information contained in the Investigation Report since the date of this meeting, on 27 November 2017, whether in the form of contemporary notes or any other form. Despite being in its possession since then, the Prosecution did not disclose these notes to the Defence until 10 May 2023, around 2.5 years after the disclosure deadline.

30. The fact that the Prosecution disclosed the said Investigation Report on 10 May 2023 and dated it the same day as the disclosure, does not alleviate the fact that the content of such report came from the meeting that occurred on 27 November 2017 and was thus in possession of the Prosecution since then.

31. It is also recalled that the Prosecution initially requested the submission of the Prior-Recorded Testimony of P-1990 pursuant to Rule 68(2)(b) on 21 December 2020.²⁹ Regardless of this, the Prosecution continued with its failure to disclose the information P-1990 gave to Prosecution's investigators on 27 November 2017 to the Defence. Such submission of the Rule 68(2)(b) request should have been another opportunity for the Prosecution to disclose the information in its possession as it was affecting the credibility of the very same prosecution's evidence it was seeking submission.

32. The Defence is particularly concerned with the fact that the disclosure of the Investigation Report was made only following its request, on 5 May 2023, to disclose any undisclosed document in the Prosecution's possession regarding

²⁸ ICC-01/14-01/18-T-158-CONF-ENG ET, [12:01:40] to [12:02:37].

²⁹ [ICC-01/14-01/18-794-Conf](#).

the 27 November 2017 at the Yanwara school, especially regarding contacts between P-1990 and Prosecution members.³⁰ Without such request, it appears that this crucial discrepancy in the number of bodies would have been missed by the Prosecution and never disclosed to the Defence.

33. Finally, the Defence notes that when responding to motions for finding a disclosure violation, the Prosecution asserts undertaking a thorough review of its evidence collection and commits itself to go through an exhaustive review of its material.³¹ Thus, the Prosecution had multiple opportunities to disclose the relevant Investigation Report but failed to do so.³²

III - On the consequences of the violation by the Prosecution of its disclosure obligation

34. The Defence will first address the Prejudice faced (i) before expressing the remedy sought (ii).

i) On the Prejudice

35. As the Defence was unable to raise the discrepancy that existed between the Investigation Report and P-1990's statement while submitting its response to the Prosecution's Request to submit Prior-Recorded Testimony of P-1990 pursuant to Rule 68 (2), the Chamber decided to formally reject such request and introduced it pursuant to Rule 68(3).³³ Information about the discrepancies between the number of bodies, had it been disclosed, could have been brought to the attention of the Chamber which could have changed its assessment on

³⁰ See Annex 1, page 8 : Email from the Defence to the Prosecution on 5 May 2023 at 17:51.

³¹ ICC-01/14-01/18-1230, paras 3, 6.

³² ICC-01/14-01/18-315-Conf, Public redacted version : ICC-01/14-01/18-315-Red; ICC-01/14-01/18-342 ; ICC-01/14-01/18-551-Conf, Public redacted version: ICC-01/14-01/18-551-Red; ICC-01/14-01/18-595 ; ICC-01/14-01/18-740-Conf ; Email from the Trial Chamber V to the Parties and Participants on 26 October 2020 at 16:39. See also, ICC-01/14-01/18-783-Anx5; ICC-01/14-01/18-829; ICC-01/14-01/18-1202, Public redacted version : ICC-01/14-01/18-1202-Red; ICC-01/14-01/18-1309-Conf, Public redacted version : ICC-01/14-01/18-1309-Red; ICC-01/14-01/18-1566-Conf-Corr, Public redacted version ICC-01/14-01/18-1566-Red-Corr; ICC-01/14-01/18-1896-Conf, Public redacted version : ICC-01/14-01/18-1896-Red.

³³ ICC-01/14-01/18-1833-Conf-Corr, paras. 326-328.

the need to hear P-1990. In this regard, Rule 68(2) could have been rejected without an appearance under Rule 68(3).

36. In a similar situation, the Chamber has previously considered that the significant inconsistencies between P-1490's two screening notes and interview with the Prosecution created doubt about the very premise and foundation of the witness's evidence.³⁴ Thus, the Chamber considered it necessary to hear the testimony of the witness *viva voce* in its entirety, which could also have been the case in the present circumstances should the Defence been put in a position to argue this the discrepancy between the Investigation Report and P-1990's statement as part of its response to the Rule 68(2) submission.³⁵

ii) On the remedy sought

37. As emphasized by the Chamber in its Further Directions on the Conduct of the Proceedings issued on 29 May 2023,³⁶ the end of the evidentiary period approaches. As a result, the Defence will have to proceed with its investigations and presentation of evidence. In this sense, the Defence cannot afford further disclosure oversights on the part of the Prosecution and must ensure one last time that the Prosecution has disclosed all the information in its possession that falls under this obligation.

38. The Defence takes note of the Decision, issued on 7 December 2021, on the Yekatom Defence Motion for Finding of Disclosure Violation and Additional Remedies in which the Chamber directed the Prosecution to 'review the evidence in its possession and confirm on the record that all documents falling within its disclosure obligations have indeed been disclosed'.³⁷

³⁴ [ICC-01/14-01/18-1390-Conf](#), paras 19-20.

³⁵ [ICC-01/14-01/18-T-237-CONF-ENG ET](#) [12:33:50] to [12:35:08].

³⁶ [ICC-01/14-01/18-1892](#).

³⁷ [ICC-01/14-01/18-1202-Conf](#), para. 22 ; Public redacted version : [ICC-01/14-01/18-1202-Red](#).

39. However, given that this violation occurred after the Chamber reminded the Prosecution several times of its disclosure obligation since 7 December 2021, and given the prejudice suffered by the Defence, the Defence respectfully requests the Chamber to find that the Prosecution has once again violated its disclosure obligation by failing to timely disclose the Investigation Report of P-1990.
40. Noting the numerous failures regarding the Prosecution's disclosure obligation, the Defence also requests the Chamber to order the Prosecution to review again the evidence in its possession, and confirm on the record that all documents falling within its disclosure obligation on all the charges have been disclosed. This review should be conducted promptly, as the Chamber already ordered this to the Prosecution in the past. As part of this review, the Prosecution should be directed to particularly verify if any disclosable information are present in the form of contemporary notes taken when discussing with a witness as described in paragraph 29.
41. Consequently, the Defence respectfully requests the Chamber to (i) find that the Prosecution violated its disclosure obligation and (ii) order the Prosecution to review all the material, including internal documents or notes, in its possession to ensure that all documents material to the preparation of the defence or exonerating have been duly disclosed.

CONFIDENTIALITY

42. Annex 1 of the present request is filed on a confidential basis as it relates to *inter partes* discussions between the Prosecution and the Defence.

RELIEF SOUGHT

43. In light of the above, the Defence respectfully requests Trial Chamber V to:

FIND that the Prosecution has violated its disclosure obligations; and

ORDER the Prosecution to review all the material in its possession to ensure, prior to the end of its case, that all documents material to the preparation of the defence or exonerating have been duly disclosed.

RESPECTFULLY SUBMITTED ON THIS 12th DAY OF JUNE 2023³⁸



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands

³⁸ The Defence is thankful to legal intern Ms Cassandra Oboussier for her precious assistance in the drafting of this filing.