

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/14-01/18**
Date: **4 September 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 *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

Public

with Confidential, *EX PARTE*, only available to the Prosecution Annexes A to J

Prosecution's submission of the accompanying declarations of Witnesses P-0365, P-0505, P-0520, P-0925, P-1143, P-1964, P-2132, P-2393, P-2486 and P-2546 pursuant to rule 68(2)(b) of the Rules of Procedure and Evidence

Source: Office of the Prosecutor

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Other

I. SUBMISSIONS

1. On 6 April 2023, Trial Chamber V (the “Chamber”) issued its First Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(2)(b) of the Rules.¹ The prior recorded testimonies of, *inter alia*, P-0520, P-1143, P-1964, P-2132, P-2393, P-2486 and P-2546 were deemed formally submitted, subject to the receipt of the declarations under Rule 68(2)(b)(ii) and (iii) of the Rules.²

2. On 5 June 2023, the Chamber issued its Second Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(2)(b) of the Rules.³ The prior recorded testimonies of, *inter alia*, P-0365 and P-0505 were deemed formally submitted, subject to the receipt of the declarations under Rule 68(2)(b)(ii) and (iii) of the Rules.⁴

3. On 3 August 2023, the Chamber issued its Further Order on the Remainder of the Prosecution Presentation of Evidence, *inter alia*, introducing P-0925’s prior recorded testimony into evidence, subject to the receipt of the declaration under Rule 68(2)(b)(ii) and (iii) of the Rules.⁵

4. The Prosecution hereby annexes the accompanying declarations of P-0365, P-0505, P-0520, P-0925, P-1143, P-1964, P-2132, P-2393, P-2486, and P-2546, established in accordance with the laws and procedures of the States concerned:⁶

¹ ICC-01/14-01/18-1833-Conf-Corr.

² ICC-01/14-01/18-1833-Conf-Corr: regarding **P-0520** at paras. 335-343; **P-1143** at paras. 273-279; **P-1964** at paras. 233-239; **P-2132** at paras. 140-148; **P-2393** at paras. 149-161; **P-2486** at paras. 168-174; and **P-2546** at 175-183, pp. 101-105.

³ ICC-01/14-01/18-1907-Conf.

⁴ ICC-01/14-01/18-1907-Conf: regarding **P-0365** at paras. 12-21; and **P-0505** at paras. 29-36, pp. 59-61.

⁵ ICC-01/14-01/18-2016-Conf: regarding **P-0925** at paras. 55-62, p. 22.

⁶ See rule 68(2)(b)(iii) (“[a]ccompanying declarations must be witnessed by a person authorised to witness such a declaration ... in accordance with the law and procedure of a State”).

- P-0365: Certification effectuated in the Central African Republic (“CAR”) (Annex A);⁷
- P-0505: Certification effectuated in France (Annex B);⁸
- P-0520: Certification effectuated in CAR (Annex C);⁹
- P-0925: Certification effectuated in the United States of America (Annex D);¹⁰
- P-1143: Certification effectuated in CAR (Annex E);¹¹
- P-1964: Certification effectuated in CAR (Annex F);¹²
- P-2132: Certification effectuated in CAR (Annex G);
- P-2393: Certification effectuated in CAR (Annex H);¹³
- P-2486: Certification effectuated in CAR (Annex I);¹⁴
- P-2546: Certification effectuated in Italy (Annex J).¹⁵

5. While some of the individuals have made corrections to their prior recorded testimonies, none of these corrections are substantial and would affect their submission per rule 68(2)(b).

⁷ The non-substantive corrections made by the witness are outlined at CAR-OTP-00001762 at 000001-000002. The document will be formally disclosed as soon as practicable.

⁸ The document will be formally disclosed as soon as practicable.

⁹ The non-substantive corrections made by the witness are outlined at CAR-OTP-00001638 at 000001-000002.

¹⁰ The document will be formally disclosed as soon as practicable.

¹¹ The non-substantive corrections made by the witness are outlined at CAR-OTP-00001624 at 000001-000002.

¹² The non-substantive corrections made by the witness are outlined at CAR-OTP-00001674 at 000001.

¹³ The non-substantive corrections made by the witness are outlined at CAR-OTP-00001688 at 000001-000003.

¹⁴ The non-substantive corrections made by the witness are outlined at CAR-OTP-00001669 at 000001-000002. at 000001-000002.

¹⁵ The document will be formally disclosed as soon as practicable.

II. CONFIDENTIALITY

6. Pursuant to Regulation 23*bis*(1) of the Regulations ("RoC"), this Request is filed with "Confidential *EX PARTE*" Annexes, as they concern witness-related materials containing information not available to the other parties to the proceedings. A Confidential Redacted version of the Annexes will be filed contemporaneously.

A handwritten signature in black ink, appearing to be 'K.A.K.', with a horizontal line underneath it.

Karim A. A. Khan KC, Prosecutor

Dated this 4th day of September 2023
At The Hague, The Netherlands