

Pursuant to TCV Single Judge's instruction, dated 22 December 2023, this document is reclassified as "Public"

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **11 December 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***

Confidential

**Yekatom Defence Response to 'Prosecution's Request for Variation of
Time Limit pursuant to Regulation 35' (ICC-01/14-01/18-2251-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 Mame Mandiaye Niang
Mr Kweku Vanderpuye

Counsel for Mr. Yekatom

Ms Mylène Dimitri
Mr Thomas Hannis
Ms Anta Guissé
Ms Sarah Bafadhel
Mr Gyo Suzuki

Counsel for Mr. Ngaissona

Mr Geert-Jan Alexander Knoops
Mr Richard Omissé-Namkeamaï
Ms 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

The Office of Public Counsel for Victims

States' Representatives

**Unrepresented Applicants
(Participation / Reparation)**

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta

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. The Defence for Mr Alfred Rombhot Yekatom ('Defence') hereby responds to the 'Prosecution's Request for Variation of Time Limit pursuant to Regulation 35' ('Request').¹
2. The Defence does not oppose the extension sought in the Request.
3. However, the Defence respectfully provides the following observations with regard to the Prosecution submission that the Defence has 'circumvented' the 50-page extension that the Chamber had granted in respect of its 'Request for the Exclusion of Fabricated Evidence'² ('Exclusion Request').³
4. The Prosecution submission that the Defence has 'advanced argumentative submissions in the over 80 pages of material annexed to the [Exclusion Request]'⁴ does not accurately reflect the facts.
5. On the contrary, it is submitted that Annexes A-D of the Exclusion Request do not contain 'subjective interpretations and representations' that could properly be considered 'submissions' within the meaning of regulation 36 of the Regulations of the Court. In this regard, the Prosecution's failure to cite to any such purported 'submissions' is notable.
6. Annexes B, C and D, which run to a combined length of 50 pages, respectively comprise email correspondence and an index thereto; an index of material sought to be excluded; and a table of authorities.
7. Insofar as the Prosecution's complaint refers to the 30-page Annex A, the Defence submits that it comprises objective summaries of facts and/or extracts

¹ ICC-01/14-01/18-2251-Conf.

² ICC-01/14-01/18-2240-Conf.

³ ICC-01/14-01/18-2251-Conf, para. 5.

⁴ Ibid.

of relevant evidentiary material in the form of a chronology that presents the relevant events in a comprehensive and comprehensible manner. As the Chamber is well aware, the Conspiracy described in the Exclusion Motion spans a period of six years, and involves a wide range of potentially criminal misconduct engaged in by multiple OTP and CLRV1 witnesses and intermediaries, among others; and further, the extensive evidence of this Conspiracy that has been collected by the Defence has come in a variety of forms – whether in Facebook correspondence, Prosecution investigation reports, testimonial material, etc. Annex A was thus provided with the aim of facilitating the Chamber's (and Parties' and participants') assessment of the myriad relevant events and facts; and to thereby promote the fair, efficient and expeditious resolution of this matter. Given the sheer scale and gravity of the Conspiracy, the Defence respectfully submits that a chronology, as set out in Annex A, remains the most fair and reasonable manner of presenting the relevant events and their underlying evidence for the Chamber's consideration, and thus advances the interests of justice.

8. In any event, should the Prosecution present further submissions on this issue in its response to the Exclusion Motion, the Defence respectfully reserves its right to seek leave to reply.
9. This Response is filed on a confidential basis corresponding with the classification of the Request. The Defence would not oppose its reclassification as public.

RESPECTFULLY SUBMITTED ON THIS 11th DAY OF DECEMBER 2023



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands