

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **15 July 2020**

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 “Additional Submissions on Redaction Protocol”,
14 July 2020, ICC-01/14-01/18-587-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

Ms. Fatou Bensouda

Mr. James Stewart

Mr. Kweku Vanderpuye

Counsel for Mr. Yekatom

Me Mylène Dimitri

Mr. Peter Robinson

Counsel for Mr. Ngaïssona

Me Geert-Jan Alexander Knoops

Legal Representatives of Victims

Mr. Dmytro Suprun

Legal Representatives of Applicants

Mr. Abdou Dangabo Moussa

Ms. Elisabeth Rabesandratana

Mr. Yaré Fall

Ms. Marie-Edith Douzima-Lawson

Ms. Paolina Massidda

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. Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr. Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

1. Counsel representing Mr. Alfred Rombhot Yekatom (“Defence” and “Mr. Yekatom”, respectively) respectfully make the following written submissions which could not be made at the status conference of 9 July 2019 due to lack of time.¹
2. In the Yekatom Defence Submissions for First Status Conference, the Defence requested that the redaction protocol adopted by the Pre-Trial Chamber be amended.² The reason for the proposed amendments was primarily that the Prosecution was not conforming to existing case law by redacting “identifying information of individuals, including family members, who were physically present at the scene of an alleged crime or who have in any other way acquired or established knowledge of the events or circumstances part of a witness’ narrative”.³
3. In its most recent disclosure on the eve of the Status Conference, the Prosecution has continued to redact information pertaining to the identities of individuals directly witnessing alleged incidents related to the charges held against Mr. Yekatom, as well as telephone numbers of witnesses used during the events.
4. The following are a few examples from the latest disclosure packages:
 - redactions of the name of individuals who witnessed the alleged arrival of Mr. Yekatom and his alleged Anti-Balaka in Bimon on the PK9 Mbaïki axis;⁴

¹ [ICC-01/14-01/18-T12](#), p. 62.

² [ICC-01/14-01/18-472](#), paras. 67-78.

³ *Prosecutor v. Al Hassan*, [Decision on the evidence disclosure protocol and related matters](#), 30 December 2019, ICC-01/12-01/18-546, fn. 19. See also *Prosecutor v. Bemba et al.*, [Annex to the Decision on Modalities of Disclosure: Protocol Establishing a Redaction Regime](#), 22 May 2015, ICC-01/05/01/13-959-Anx, para. 43; *Prosecutor v. Gbagbo*, [Annex A to Decision on the Protocol Establishing a Redaction Regime](#), 15 December 2014, ICC-02/11-01/11-737-AnxA, para. 43.

⁴ CAR-OTP-2112-0036 at 0047-0048 paras.63 and 69.

- redaction of the name of witness' [REDACTED] who came to request his release to Mr. Yekatom at [REDACTED] where he was allegedly held; ⁵
 - redaction of phone number used by the witness to contact Mr. Yekatom between December 2013 and September 2014; ⁶
 - redactions of names of alleged victims of Mr. Yekatom's elements. ⁷
5. The Defence is mindful of the Chamber's encouragement to the parties and participants to resolve such disputes *inter partes*. Indeed, the Defence and the Prosecution have been cooperating very well on redactions, holding many hours of *inter partes* discussions that have resulted in the lifting of many redactions.
6. However, on this issue, the parties are unable to come to an agreement in principle. Redactions of the identity of individuals having relevant information about the events, or of relevant telephone numbers used by witnesses during the events, continue to be made. The Defence perceives these redactions that the Prosecution considers consistent with the existing protocol to be contrary to the established jurisprudence. Therefore, the Defence believes that the protocol should be amended so that these disputes do not continue.

CONCLUSION

7. The Defence respectfully requests the Trial Chamber to amend the redaction protocol as suggested in paragraphs 75-77 of its written status conference submissions ⁸ to avoid unwarranted redactions and unnecessary disputes.

⁵ CAR-OTP-2121-2788 at 2797 para.83 and at 2799 para.106.

⁶ CAR-OTP-2107-3744 at 2107-3765-66; CAR-OTP-2107-3838 at 3890-93; CAR-OTP-2107-4178 at 4196-98, 4206 and 4209.

⁷ CAR-OTP-2093-0574 at 0576.

⁸ [ICC-01/14-01/18-472](#).

RESPECTFULLY SUBMITTED ON THIS 15th DAY OF JULY 2020



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom



Peter Robinson
Associate Counsel for Mr. Yekatom

The Hague, the Netherlands