

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **13 January 2021**

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 "Request of Mr. Yekatom to exclude the proposed Prosecution background expert P-2926 and his report", 17 December 2020, ICC-01/14-01/18-780-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. Thomas Hannis

Mr. Florent Pages-Granier

Counsel for Mr. Ngaïssona

Me Geert-Jan Alexander Knoops

Me Richard Omissé-Namkeamaï

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. Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr. Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

INTRODUCTION

1. Counsel representing Mr. Alfred Rombhot Yekatom (“Defence” and “Mr. Yekatom”, respectively) respectfully request the Trial Chamber (the “Chamber”) to exclude Expert Witness P-2926, and his associated report, from the Prosecution’s intended List of Witnesses and evidence.
2. The Defence contends that in light of the “Prosecution’s List of Witnesses and Evidence”¹ (“Final Witness List”) and the expected testimony of many of the political and factual witnesses,² P-2926’s report and appearance as an expert will not meaningfully advance the proceedings. Indeed, P-2926’s areas of expertise (overview and background expert) will be more than adequately covered by other Prosecution witnesses who have better knowledge and firsthand experiences related to those matters. Therefore, a favorable ruling on this request at this stage by the Chamber will ensure a fair and more expeditious trial.

PROCEDURAL BACKGROUND

3. On 7 April 2020, the Prosecution engaged in *inter partes* discussions with the Defence regarding their intention to instruct [REDACTED] as a background expert on the Central African Republic (“CAR”) and the possibility to proceed with a joint instruction.³
4. On 8 April 2020, in the course of the *inter partes* discussions, the Defence notified the Prosecution that it was of the view that an expert on “*the background of the CAR crisis may not be of assistance to the Chamber given the potential for agreed facts and the anticipated testimony of some reknown Prosecution*”

¹ [ICC-01/14-01/18-724](#).

² [ICC-01/14-01/18-724-Conf-AnxA](#).

³ E-mail available upon request.

fact witnesses...".⁴ It further reiterated its position regarding expert witnesses in its "Yekatom Defence Submissions for First Status Conference".⁵

5. The same day, 8 April 2020, following Mr. Ngaissona's rejection to engage in joint instruction, the Defence informed the Prosecution that it "*would not be able to jointly instruct [REDACTED] with the Prosecution, or any other background expert that was not jointly agreed to by the Ngaissona team.*"⁶
6. On 3 and 9 November 2020 respectively, Prosecution disclosed the report⁷ of P-2926 and his letter of instruction.⁸
7. On 9 November 2020, the Prosecution filed its Final List of Witnesses and Evidence which includes as an expert [REDACTED] (P-2926).⁹

APPLICABLE LAW

8. Regulation 44 (5) of the Regulations of the Court provides that :

The Chamber may issue any order as to the subject of an expert report, the number of experts to be instructed, the mode of their instruction, the manner in which their evidence is to be presented and the time limits for the preparation and notification of their report.

9. Article 64 (2) of the Rome Statute (the "Statute") provides that :

The Trial Chamber shall ensure that a trial is fair and expeditious and is conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

SUBMISSIONS

⁴ E-mail available upon request.

⁵ See, [ICC-01/14-01/18-472](#), para. 7.

⁶ E-mail available upon request.

⁷ [CAR-OTP-2127-4289](#), disclosed to the Defence in Pre-Trial INCRIM package 59 on 3 November 2020.

⁸ [CAR-OTP-2122-8978](#), disclosed to the Defence in Pre-Trial INCRIM package 62 on 9 November 2020.

⁹ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°75, Page 40.

10. The Defence contends that P-2926 should not be called as a witness, nor should his report be submitted into evidence, in view of the numerous CAR citizens who are Prosecution witnesses and better placed to approach the topics which constitute the subject matter of his report.
11. *First*, P-2926's intervention is unnecessary due to the redundancy with factual witnesses expected testimony (I); *Second*, excluding P-2926 from the expert witnesses scheduled to appear is in the interest of justice and will enhance the expeditiousness of the proceedings (II).
- I. P-2926 intervention is unnecessary due to the redundancy with the expected testimony of factual witnesses**
12. As a preliminary remark, the Defence wishes to underline that the lack of usefulness of background expert P-2926 is shown by his total absence from the Prosecution's Trial Brief, despite 25 pages being allocated to the background and origins of the Anti-Balaka.¹⁰
13. The unnecessariness of P-2926's intervention in the present case is also apparent due to: (A) the number of fact witnesses addressing the same topics as him; and (B) the fact that many of those anticipated fact witnesses are listed as sources of P-2926's information and report.

A. Fact witnesses addressing the same topics as P-2926

14. P-2926's report and testimony are built around the letter of instruction he received from the Prosecution.¹¹ He was tasked with the analysis of five main areas: (1) the reasons and circumstances of 24 March 2013 coup d'état; (2) the political and security situation from 24 March 2013 to the resignation of President Michel Djotodia; (3) the political and security situation from that resignation to the end of 2014; (4) the reasons and motivation for Anti-Balaka

¹⁰ [ICC-01/14-01/18-723-Conf.](#)

¹¹ [CAR-OTP-2122-8978](#), disclosed to the Defence in Pre-Trial INCRIM package 62 on 9 November 2020.

crimes against the Muslim population; and, finally, (5) the definition of the term “les libérateurs”.

15. *First*, regarding the reasons and circumstances of the 24 March 2013 coup d'état, it should be noted that several [REDACTED] are scheduled to testify about this topic such as [REDACTED],¹² [REDACTED],¹³ [REDACTED],¹⁴ [REDACTED],¹⁵ [REDACTED],¹⁶ [REDACTED],¹⁷ [REDACTED]¹⁸ or [REDACTED].¹⁹ All of those witnesses will address the same topic as the background expert, but will be able to provide valuable first-hand information as they have lived through, and in many cases, participated in, those events. Their direct and cross examination will allow a more thorough and substantial presentation of the Seleka coup than the one proposed by P-2926, who is limited to the second-hand information he gleaned from various online reports and news articles. Most of the sub-instructions contained in the letter regarding the Seleka coup²⁰ being general in nature, the aforementioned witnesses will be more than competent to answer any questions the Chamber or participants could have on this topic, [REDACTED].
16. The background expert's intervention is equally not needed regarding the two most specific issues related to the Seleka coup, [REDACTED]. [REDACTED],²¹ [REDACTED].²² [REDACTED],²³ [REDACTED],²⁴ [REDACTED]²⁵ [REDACTED]²⁶ [REDACTED].

¹² [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°24, Page 23 : “He is expected to testify about : [REDACTED] [...]”.

¹³ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°26, Pages 23-24 : “He is expected to testify about : [REDACTED]”.

¹⁴ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°79, Page 41 : “He is expected to testify about : [REDACTED]”.

¹⁵ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°14, Page 18 : “He is expected to testify about : [REDACTED]”.

¹⁶ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°81, Page 42 : “He is expected to testify about : [REDACTED]”.

¹⁷ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°90, Page 45 : “He is expected to testify about : [REDACTED]”.

¹⁸ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°82, Page 42 : “She is expected to testify about : [REDACTED]”.

¹⁹ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°84, Page 43 : “He is expected to testify about : [REDACTED]”.

²⁰ [CAR-OTP-2122-8978](#) at 8979.

²¹ [REDACTED]

²² [REDACTED]

²³ See, footnote 19.

17. In addition, it should be noted that if the Prosecution would have wanted to present a detailed account of the coup, it could have [REDACTED], [REDACTED].
18. *Second*, the political and security situation in CAR from 24 March 2013 to the resignation of President Djotodia is also largely covered by witnesses who [REDACTED]. [REDACTED]. However [REDACTED] will be able to provide the necessary detailed background. Civil servants and political or religious figures in office at the time, [REDACTED],²⁷ [REDACTED]²⁸ [REDACTED]²⁹ [REDACTED], covering various regions of CAR, [REDACTED] crucial firsthand information they acquired through their position.
19. The Prosecution instructed their background expert to also develop in this section the existence of [REDACTED] the Defence refers to its submission made in paragraph 16 above for the explanation given [REDACTED]. The situation is similar [REDACTED],³⁰ [REDACTED]³¹ [REDACTED].³² The crucial information to be provided by [REDACTED] is exemplified by the Prosecution's intention [REDACTED]; a witness for whom the Prosecution justified its [REDACTED] by [REDACTED].³³
20. In the same vein, P-2926's expert opinion on the crimes committed by the Seleka is not crucial for the understanding of the case as the Prosecution intends to call not only victims of Seleka crimes, [REDACTED]³⁴

²⁴ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°90, Page 45 : "He is expected to testify about : [REDACTED]".

²⁵ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°8, Pages 2-3 : "The witness describes: [REDACTED]".

²⁶ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°4, Page 2 : "The witness describes: [REDACTED]".

²⁷ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°66, Page 37 : "[REDACTED]"

²⁸ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°82, Page 42 : "[REDACTED]".

²⁹ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°95, Page 47 : "[REDACTED] He is expected to testify about: [REDACTED]".

³⁰ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°26, Pages 23-24 : "He is expected to testify about : [REDACTED]".

³¹ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°82, Page 42 : "She is expected to testify about : [REDACTED]".

³² [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°90, Page 45 : "He is expected to testify about : [REDACTED]".

³³ [ICC-01/14-01/18-739-Conf-Red](#), paras 15-16.

³⁴ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°2, Page 13 : "He is expected to testify about : [REDACTED]".

[REDACTED],³⁵ but also third parties ([REDACTED],³⁶ [REDACTED]³⁷ [REDACTED]³⁸) who are aware of those crimes. In this regard it should be remembered that the Prosecution is also investigating crimes committed by the Seleka as part of their ongoing investigation, a fact that all participants are fully aware of due to the recurrence of this justification to apply redactions on the evidence. The combination of the fact witnesses expected to testify in this case and all the material at the Prosecution's disposition in its other investigation should be sufficient to make the intervention of a background expert on this topic completely unnecessary.

21. *Third*, regarding the political and security situation from the resignation of President Djotodia to the end of 2014, the Defence also fails to see the additional value of an intervention of background expert P-2926. At the outset it is to be noted [REDACTED]³⁹ Additionally, [REDACTED].⁴⁰ [REDACTED].
22. The background expert was also instructed to develop in this section the evolution of the Anti-Balaka movement, especially for the creation of a national coordination. However, this topic alone is subject of a specific section [REDACTED] in the Prosecution List of Witnesses which contains 10 different witnesses.⁴¹ In addition to the [REDACTED] listed as such, others Anti-Balaka are also expected to provide details on it like [REDACTED],⁴² [REDACTED]⁴³ [REDACTED].⁴⁴ Finally, other witnesses, not part of the Anti-Balaka, are also expected to comment on this subject such as a [REDACTED],⁴⁵ or the

³⁵ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°6, Page 15 : "He is expected to testify about : [REDACTED]".

³⁶ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°28, Page 24 : "He is expected to testify about : [REDACTED]".

³⁷ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°43, Page 29 : "He is expected to testify about : [REDACTED]".

³⁸ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°77, Page 40 : "He is expected to testify about : [REDACTED]".

³⁹ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°82, Page 42.

⁴⁰ Those witnesses are : [REDACTED]

⁴¹ [ICC-01/14-01/18-724-Conf-AnxA](#), Witnesses n°24 to 33, Pages 23-27.

⁴² [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°2, Page 13 : "He is expected to testify about : [REDACTED]".

⁴³ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°7, Page 16 : "He is expected to testify about [REDACTED]".

⁴⁴ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°14, Pages 18-19 : "He is expected to testify about : [REDACTED]".

⁴⁵ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°77, Page 40 : "He is expected to testify about : [REDACTED]".

[REDACTED].⁴⁶ This vast variety of witnesses, with direct knowledge and information, makes an intervention of a background expert such as P-2926 unnecessary while not losing any substantive information which could be useful to the Chamber or participants.

23. *Fourth*, as for the reasons and motivation of Anti-Balaka crimes against the Muslim population, the intervention of a background expert like P-2926 is similarly unnecessary. His background expertise on the crimes committed by Anti-Balaka will inevitably be of less use when put in contrast with the 38 crime-base witnesses scheduled to appear before the Chamber.⁴⁷ Every single one of them is able to give details on the type of alleged crimes committed and their sheer scope. Witnesses not linked to the alleged crime-base group (like P-2841⁴⁸ or P-0291⁴⁹) will also testify on the targeting of Muslims by Anti-Balaka, and the potential reasons behind it.
24. In any event, it should be acknowledged that Central Africans are better placed than an outsider, albeit a background expert, to provide explanations on the alleged targeting of Muslims. As an example, a majority of Central African witnesses will be able to talk about alleged anti-Muslim propaganda they heard, often mentioning President Bozize's speech at PK0 on 27 December 2012.⁵⁰ The high number of witnesses in this case produces a positive effect: the Chamber will be confronted with a diversity of views on the conflict, which will enable a better understanding of its roots. A foreign background expert can only produce reports thanks to information collected from the people who lived through the analysed events. In this case, the Chamber and participants will have direct access to this first-hand knowledge through the witnesses whereas using a background expert such as P-2926 can

⁴⁶ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°93, Page 46 : "He is expected to testify about : [REDACTED]".

⁴⁷ [ICC-01/14-01/18-724-Conf-AnxA](#), Witnesses n°34 to 71, Pages 27-39.

⁴⁸ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°78, Page 41 : "[REDACTED]".

⁴⁹ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°84, Page 43 : "He is expected to testify about : [REDACTED]".

⁵⁰ [ICC-01/14-01/18-723-Conf](#), paras. 48-51 and their associated footnotes.

only, in these conditions, be considered as superfluous. That said, the Defence wishes to stress that it does not contend that someone outside of CAR will not, by principle, be able to provide meaningful information, it is making this assertion due to the topic subject to the expertise : background information.

25. *Fifth*, regarding P-2926's instruction to define the term "les libérateurs",⁵¹ his intervention as an expert is wholly unnecessary. Prosecution witness [REDACTED] explains what the so-called "liberators" did in 2003 and especially mentions that [REDACTED].⁵² [REDACTED].⁵³ In addition, [REDACTED] who are listed as Prosecution witnesses such as [REDACTED]⁵⁴ [REDACTED]⁵⁵ also mention and provide some details on the term "liberators". Again the Chamber and Participants are in a position to ask any questions they wish on the meaning of the term "libérateurs" to factual witnesses who [REDACTED] are CAR nationals with better knowledge than an outside expert.

B. P-2926's information originating from fact witnesses

26. The most relevant part for the case at hand, in P-2926's report, is his analysis of the Anti-Balaka movement.⁵⁶ For this analysis, the background expert used a mix of online publications (reports or news articles) and meetings between himself and some actors in the conflict. However, an analysis of the report reveals that P-2926 met *inter alia* [REDACTED]⁵⁷ and [REDACTED]⁵⁸ [REDACTED].⁵⁹

⁵¹ [CAR-OTP-2122-8978](#) at 8981.

⁵² [REDACTED]

⁵³ [REDACTED]

⁵⁴ [REDACTED]

⁵⁵ [REDACTED]

⁵⁶ [CAR-OTP-2127-4289](#) at 4316-4323.

⁵⁷ [REDACTED]

⁵⁸ [REDACTED]

⁵⁹ [ICC-01/14-01/18-724-Conf-AnxA](#), Witnesses n°24 and n°6 respectively.

27. Regarding direct mentions of Mr. Yekatom in P-2926's report, the Defence also contends that the expert's appearance is unnecessary and would not meaningfully assist the Chamber. The assertions made about Mr. Yekatom are based on a news article and a publication made by [REDACTED] titled [REDACTED].⁶⁰ An analysis of this publication reveals that it is based on a report that was published by [REDACTED]⁶¹ [REDACTED], also listed on the Prosecution's Final Witness List.
28. Considering that [REDACTED] is expected to testify about [REDACTED],⁶² both the Prosecution and Defence will be able to put questions to him regarding the information contained in the report [REDACTED]. Repeating the process with Expert Witness P-2926, who is remotely echoing the same information, would neither assist the Chamber nor be an efficient use of the limited court time.
29. Consequently, an intervention of P-2926 on the topics where information was provided by witnesses the Prosecution intends to call is both unnecessary and duplicative of their testimonies. Excluding P-2926 from the list of Expert Witnesses scheduled to appear would therefore expedite the proceedings and further secure Mr. Yekatom's right to a fair trial.

II. Exclusion of P-2926 from the Expert Witnesses is in the interest of justice and guarantees the expeditiousness of the proceedings

30. As a preliminary remark, the Defence wishes to stress that this request to exclude witness P-2926, filed before the formal submission of an application under Rule 68 (3), is not premature. The Defence does not argue on the merit of the mode of testimony chosen by the Prosecution for witness P-2926, but focuses exclusively on the merit of the relevance of his appearance for the trial.

⁶⁰ [CAR-OTP-2127-4289](#), pages 4322-4323, para. 74 with footnote 139. The publication in question can be found here : [REDACTED]

⁶¹ [REDACTED]

⁶² [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°93, Page 46 : "He [REDACTED] is expected to testify about : [REDACTED]".

In that sense, the Chamber should assess the merit of the present request and not dismiss it *in limine* as premature.

31. The Defence has consistently expressed its doubts regarding the usefulness of the intervention of a non-CAR national background expert witness. It did so in its e-mail to the Prosecution on 8 April 2020,⁶³ and reiterated the same position during the first status conference.⁶⁴ That view seems to be at least partly shared by the Presiding Judge :

And I have to say also from the Ongwen case, our experience is that sometimes the classical witnesses which are not called formally experts provided better evidence, so to speak, or good, good evidence on matters that so-called experts who, for example come from the West, some European country, and have made some sort of academic findings.⁶⁵

32. P-2926 is expected to testify on areas, as demonstrated above, which will be covered by numerous witnesses, with the added benefit that most of them were on the ground and lived through the events. The value of their testimonies will [REDACTED], and the fact that contrary to P-2926 they are CAR citizens that lived all their lives in the society they are expected to unveil to the Chamber. In addition, P-2926's knowledge on part of the information he is expected to provide [REDACTED] witnesses who are expected to be testifying.
33. It is generally accepted that Chamber may entertain objections to the admissibility of expert evidence prior to formal submission when doing so would ensure a fair and expeditious trial.⁶⁶ In the present case, P-2926 is currently scheduled as a Rule 68 (3) witness with an expected examination in

⁶³ See paragraph 4 above.

⁶⁴ [ICC-01/14-01/18-T-012-ENG](#), page 45 lines 11-14.

⁶⁵ [ICC-01/14-01/18-T-012-ENG](#), page 45 lines 21-25.

⁶⁶ *Prosecutor v. Ntaganda*, [Decision on Defence preliminary challenges to Prosecution's expert witnesses](#), ICC-01/04-02/06-1159, 9 February 2016, para. 8 ; *Prosecutor v. Ruto & Sang*, [Decision on Sang Defence Application to exclude Expert Report of Mr Hervé Maupeu](#), ICC-01/19-01/11-844, 7 August 2013, para. 15.

chief of 2 hours.⁶⁷ An exclusion of this expert witness would save valuable court time, preventing both the rather short examination in chief and the longer cross-examination(s), due to the submission of the report under Rule 68 (3).

34. The Defence also refers to the Presiding Judge's words during the status conference that :

[T]he Chamber finds the numbers of witnesses to be rather high. Should the list stay as it is, the Chamber reserves its right to limit the number of witnesses or impose a maximum amount of hours available to the Prosecution to present its case if the Chamber thinks this is required to ensure the efficiency of the proceedings and the accused's right to be tried without undue delay.⁶⁸

This position was also reiterated in the Initial Directions on the Conduct of the Proceedings.⁶⁹

35. Since then the Prosecution filed its Final Witness List with a total number of 151 witnesses (55 expected under Rule 68 (2) and 96 either *viva voce* or under Rule 68 (3)). The Defence contends that given this high number of witnesses, the Chamber should use its discretionary power and exclude witnesses, such as P-2926, that will not meaningfully provide an understanding of the situation subject to the trial.
36. More importantly, this time saved will not be to the detriment of the understanding of the background of the conflict due, as mentioned above, to the factual witnesses who are expected to testify on the very same subjects as P-2926. In that sense, the exclusion of expert witness P-2926 would fall strictly within the Chamber's obligation, enshrined in Article 64 (2) of the Statute, to ensure a fair and expeditious trial.

⁶⁷ [ICC-01/14-01/18-724-Conf-AnxA](#), Witness n°75, Page 40.

⁶⁸ [ICC-01/14-01/18-T-012-ENG](#), page 30 lines 24-25, page 31 lines 1-3.

⁶⁹ [ICC-01/14-01/18-631](#), para. 23.

CONFIDENTIALITY

37. This motion is filed confidentially due to the references to Prosecution's witnesses and the content of their expected testimony which might reveal their identities. A public redacted version will be filed shortly.

CONCLUSION

38. In light of the above, the Defence respectfully requests the Chamber to find that an appearance of Expert Witness P-2926 is unnecessary as his report and expected testimony [REDACTED] with information that will be provided by fact witnesses. Consequently the Chamber should exclude the proposed Prosecution background expert, P-2926 and his report.⁷⁰

RESPECTFULLY SUBMITTED ON THIS 13th DAY OF JANUARY 2021



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom



Mr. Thomas Hannis
Associate Counsel for Mr. Yekatom

The Hague, the Netherlands

⁷⁰ The assistance of Legal Intern Camille Gillain in the research for this motion is gratefully acknowledged.