

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **13 July 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

**Public Redacted Version of the “Yekatom Defence Response to the
“Prosecution’s submission pursuant to regulation 35 to vary the time limit and
request for in-court protective measures for Witness P-1576”, 26 June 2023, ICC-
01/14-01/18-1946-Conf”, 6 July 2023, ICC-01/14-01/18-1964-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
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-Namkeamäi

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**

Mr 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**

SUBMISSIONS

1. The Defence for Mr. Alfred Rombhot Yekatom (“Defence”) hereby responds to the *“Prosecution’s submission pursuant to regulation 35 to vary the time limit and request for in-court protective measures for Witness P-1576”*, notified on 26 June 2023 (“Request”).¹
2. On 3 July 2023, the Ngaissona Defence responded that the Request should be rejected.² On the same day, the Defence indicated by email that it fully supported the Ngaissona Defence response.³
3. However, during the course of its preparation the Defence discovered [REDACTED] of P-1576 which is deemed relevant for the adjudication of the Prosecution’s Request.
4. The Defence discovered [REDACTED] of witness P-1576 with the [REDACTED].⁴ In this [REDACTED], which relates to his work on CAR, P-1576 says [REDACTED] :

[REDACTED].
5. In addition to the arguments presented by the Ngaissona Defence, which the Defence fully supports, it is submitted that disclosure by P-1576 of his collaboration with the ICC, and of [REDACTED] being used as evidence, [REDACTED]⁵ also militates in favor of the rejection of protective measures.
6. [REDACTED] witness P-1576 where he [REDACTED] states that he is collaborating with the Court is relevant in the present circumstances, given the

¹ ICC-01/14-01/18-1946-Conf.

² ICC-01/14-01/18-1955-Conf.

³ Email from the Defence to the Chamber and Parties dated 3 July 2023 at 15:36.

⁴ [REDACTED].

⁵ [REDACTED].

Prosecution's argument at paragraph 26 of its Request that the risk of P-1576 would be increased if *"he could be identified as collaborating with the Court"*.

CONFIDENTIALITY

7. The present response is filed on a confidential basis corresponding to the classification of the Request and due to the disclosure of P-1576's identity. Should the Chamber order P-1576 to testify publicly, the Defence does not oppose the reclassification of the present response as public.

RELIEF SOUGHT

8. In light of the above, the Defence respectfully requests Trial Chamber V to:
REJECT the Request.

RESPECTFULLY SUBMITTED ON THIS 13th DAY OF JULY 2023



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands