

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **5 August 2022**

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 “Yekatom Defence Response to ‘Prosecution’s Request for the Formal Submission of the Prior Recorded Testimony of P-2442 pursuant to Rule 68(3)’ (ICC-01/14-01/18-1505-Conf)”, 22 July 2022, ICC-01/14-01/18-1522-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

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Legal Representatives of Victims

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Ms Paolina Massidda

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

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Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

1. The Defence for Mr Alfred Rombhot Yekatom ('Defence') hereby responds to the 'Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-2442 pursuant to Rule 68(3)' ('Request').¹
2. It is respectfully submitted that the Request should be denied.
3. In her statement, P-2442 provides information [REDACTED].²
4. As has been set out in previous submissions, and supported by the trial record to date, the Defence maintains that the ESF Programme was a fraudulent scheme, in that its participants were not in fact child soldiers, were not part of Mr Yekatom's group, and/or had their ages falsified or reduced; and further, that this fraud was knowingly perpetuated by ESF administrators and local authorities, with the aim of securing financial resources and support for the organisation and its members.³
5. Further to this position, and in light of P-2442's evidence regarding the ESF Programme [REDACTED] ⁴ – the Defence submits that allowing the introduction into evidence of P-2442's statement via Rule 68(3) would be contrary to the integrity of the trial record and the fairness of these proceedings.
6. The Defence is cognisant that in her statement, P-2442 provides an account [REDACTED].⁵ In this regard, on an exceptional basis and without prejudice, the Defence would be willing to discuss methods of eliciting her evidence on this specific incident that would minimise any undue re-traumatisation.
7. This Response is filed on a confidential basis corresponding to the classification of the Request. A public redacted version will be filed forthwith.

¹ [ICC-01/14-01/18-1505-Conf.](#)

² CAR-OTP-2105-0940-R04, paras 100-125.

³ See, e.g., [ICC-01/14-01/18-1456-Conf](#); [ICC-01/14-01/18-1479-Conf](#).

⁴ CAR-OTP-2105-0940-R04, para. 103.

⁵ CAR-OTP-2105-0940-R04, paras 46-57.

8. In light of the above, the Defence respectfully requests that the Chamber deny the Request.

RESPECTFULLY SUBMITTED ON THIS 5TH DAY OF AUGUST 2022

A handwritten signature in blue ink, appearing to read 'Mylène Dimitri'.

Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

The Hague, the Netherlands