



Original: **English**

No.: **ICC-01/14-01/18**
Date: **23 February 2024**

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 *PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-EDOUARD NGAÏSSONA***

**Public
with Confidential Annex**

Prosecution's Communication of the Disclosure of Evidence on 23 February 2024

Source: Office of the Prosecutor

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 Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

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**Victims Participation and Reparations
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Other

I. NOTIFICATION

1. The Office of the Prosecutor (“Prosecution”) submits this Communication Report regarding the disclosure of evidence.

II. CONFIDENTIALITY

2. The Annex, appended to this filing, is classified as “Confidential” as it relates to evidence disclosed *inter partes* that should not be released to the public.

III. DISCLOSURE OF EVIDENCE

3. On 23 February 2024, the Prosecution disclosed to the Defence of Alfred YEKATOM and Patrice-Edouard NGAISSONA Trial INCRIM package 175 containing one item, and Trial Rule 77 Package 122 containing three items.

4. These items, listed in the Confidential Annex, include the two audio recordings comprising D30-4864's interview with the Prosecution on 9 February 2024, which the NGAISSONA Defence confirmed it had "no plan to disclose",¹ notwithstanding the Chamber's clarification of their obligations² to disclose prior recorded testimony of Defence witnesses.³



Karim A. A. Khan KC, Prosecutor

Dated this 23rd day of February 2024

At The Hague, The Netherlands

¹ Email NGAISSONA Defence, 22/02/2024, at 10:10, available upon request

² See Rule 78 and Rule 79(4) of the Rules of Procedure and Evidence. Per the Chamber's Decision, the Prosecution considers that the Defence has the primary responsibility to disclose to the Parties and Participants audio recorded statements of its witnesses.

³ See ICC-01/14-01/18-2242, paras. 8-10.