

ANNEX 31

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Version

From: Trial Chamber V Communications
Sent: 18 April 2023 11:04
To: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; OTP CAR IIB; V44 LRV Team OPCV; 'V44 LRV Team'; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on the Yekatom Defence Request for Leave to Add 4 Items to its List of Materials for P-2018

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Yekatom Defence request below.

In light of the explanations provided and noting that the Prosecution does not object to the request (see T-223 RT, p. 2 line 20), the Single Judge grants it.

Kind regards,

TC V

From: [REDACTED]
Sent: 17 April 2023 23:08
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]
 D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]
 [REDACTED]; V44 LRV Team OPCV <[REDACTED]>; V45 LRV Team [REDACTED]
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Request for leave to add 2 items to the list of material for P-2018 examination

Dear Trial Chamber V,

Apologies, kindly find attached the list as mentioned below, as well as courtesy copy of two of the four items.

Kind regards,

[REDACTED]
 Yekatom Defence

De : [REDACTED]
Envoyé : 17 avril 2023 23:05
À : Trial Chamber V Communications [REDACTED]
Cc : OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED];
 D30 Ngaissona Defence Team <[REDACTED]>; V44 LRV Team OPCV [REDACTED]
 [REDACTED] V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Objet : Request for leave to add 2 items to the list of material for P-2018 examination

Dear Trial Chamber V,

The Yekatom Defence respectfully requests leave to add 4 items to its list of material to be used with P-2018. The Defence attaches a courtesy copy of the proposed updated list of material, in which the 4 items appear in red.

The items are the following:

- CAR-D29-0010-0012: Screenshot of CAR-OTP-2059-0384 01m11s;
- CAR-D29-0010-0013: Screenshot of CAR-OTP-2059-0384 01m40s;
- CAR-D29-0007-0188: Request for the Cooperation of the NGO Cooperazione Internazionale (COOPI);
- CAR-D29-0007-0190: Fwd: International Criminal Court - Request for cooperation from the Defence of Mr. Alfred Rombhot Yekatom.

The Defence respectfully submits that there is good cause for the late addition of the items.

Indeed, both CAR-D29-0010-0012 and CAR-D29-0010-0013 became relevant following a line of questioning by the Prosecution which was not in the Prosecution summary for this witness and could not be anticipated by the Defence. Further, this line of questioning was directly relevant for Counts 26 and 27 in the present case (see ICC-01/14-01/18-T-222, [10:17:56]). The items will be used with the witness for purpose of identifying individuals appearing on an item of evidence which is used by the Prosecution for these counts (ICC-01/14-01/18-723-Conf, para. 471, fn. 1200).

With regard to CAR-D29-0007-0188 and CAR-D29-0007-0190, the Defence contends that the witness during his examination in chief (see ICC-01/14-01/18-T-222, [12:35:27]) stated that Mr. Yekatom was present during a meeting on 19 May 2014 although in his declaration he did not mention his presence (see CAR-OTP-2118-0945, paras. 18-19). Therefore, this is a new information that the Defence could not have anticipated and the reason why it did not include the two relevant items in its initial binder.

Finally, there is no prejudice arising from this late addition as the two first items are produced from an item (CAR-OTP-2059-0384) disclosed and used by the Prosecution; the two last items are of limited length and have just been disclosed to the Prosecution.

Kind regards,



Yekatom Defence

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