

ANNEX B

Confidential

From: [REDACTED]
Sent: Monday, September 18, 2023 3:15 PM
To: OTP CAR IIB <[REDACTED]>; D30 Ngaissona Defence Team
<[REDACTED]>; D29 Yekatom Defence Team
<[REDACTED]>
Subject: RE: Defence Disclosures and Notice

Dear Prosecution team,
We acknowledge receipt of your message below. Given how the evidence unfolded in relation to Counts 1 to 3 and 11 to 16, please note that the Yekatom Defence doesn't intend to call any of the witnesses listed in the notice of alibi (ICC-01/14-01/18-818-Conf). This also answers to your inquiry of 4 August 2023.
Moreover, after a careful review of the transcripts of the case, as well as a review of our intended instruction letter to [REDACTED] we deemed that his evidence would be repetitive of the one provided by Mr Bromley (P-2193). Consequently, we elected not to call [REDACTED] as a witness, he will be removed from our final list of witnesses.
Should the Defence identify during its latest investigations a witness which could give raise to the submission of an alibi, we will inform you promptly pursuant to Rule 79 of the Rules of Procedure and Evidence.
Kind regards,

[REDACTED]
[Conseil associée](#)
[Equipe de défense de M. Alfred YEKATOM](#)

De : OTP CAR IIB <[REDACTED]>
Envoyé : jeudi 14 septembre 2023 09:19
À : D30 Ngaissona Defence Team <[REDACTED]>; D29 Yekatom Defence Team <[REDACTED]>
Objet : Defence Disclosures and Notice

Dear Counsel,
Having reviewed your respective provisional witness lists (ICC-01/14-01/18-2055-Conf-Anx1 and ICC-01/14-01/18-2060-Conf-AnxA), we note that several witnesses appear to provide at least partial alibi evidence, although they have not been previously identified as Rule 79 requires. Accordingly, we renew our 4 August 2023 request for any updated or modified Rule 79(1)(a) notice (see email attached), and for disclosure of the necessary information.
In addition, we wish to assess the qualifications of the listed experts [REDACTED] (see ICC-01/14-01/18-631, para.66), including toward determining whether we might reach an agreement concerning their expertise and prospective evidence. As such, we request the following information about your experts along with the corresponding disclosure: (i) their reports or statements (as available); (ii) their curricula vitae; (iii) the letters of instruction describing their area of specialisation and the specific subject matter for which you seek their engagement; and (iv) any other information relevant to their standing in their respective fields of expertise, including their professional profiles.
In view of the trial schedule, please provide the particularised notice and information by 29 September 2023. Thank you.
Kind regards
On behalf of OTP Trial Team

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