

**ANNEX 1**  
**PUBLIC REDACTED**  
**VERSION**

**From:** Trial Chamber V Communications  
**Sent:** 23 August 2022 08:32  
**To:** [REDACTED]  
**Cc:** D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; [REDACTED] Associate Legal Officer-Court Officer; [REDACTED] Chamber Decisions Communication; Trial Chamber V Communications  
**Subject:** Decision on Submitted Materials for P-2049  
**Attachments:** Ngaissona Defence List of documents to be submitted through P-2049  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Categories:** TO DO

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the emails on the submission of evidence following the examination of P-2049 by the Ngaissona Defence (*see* email attached) and the Prosecution, as well as the Ngaissona Defence's response to the Prosecution's email (*see* emails below).

At the outset, the Chamber notes that items CAR-OTP-2001-2043, CAR-OTP-2073-0097, CAR-OTP-2073-0107, CAR-OTP-2110-0915, CAR-OTP-2073-1329 and CAR-OTP-2127-6597 have already been recognised as formally submitted by the Chamber. It recalls that therefore it need not rule on these items again.

With regard to item CAR-D30-0002-0008, included in the Ngaissona Defence's email, the Chamber notes that it consists of the transcript of video CAR-OTP-2073-1299, which the Chamber already recognised as formally submitted (*see* email decision, 21 June 2021, at 16:56). Therefore, recalling paragraph 64 of the Initial Directions (ICC-01/14-01/18-631), the Chamber confirms that item CAR-D30-0002-0008 was recognised as formally submitted.

With regard to CAR-OTP-2008-1289, included in the Ngaissona Defence's email, the Chamber notes that this item has been recognised as submitted in its Rule 68(3) decision of 14 April 2022 in relation to P-0314 (ICC-01/14-01/18-1364-Conf), subject to the fulfilment of the requirements of Rule 68(3) of the Rules, but that P-0314 has not yet testified. Therefore, the Chamber recognises item CAR-OTP-2008-1289 as formally submitted in the present email decision in relation to P-2049.

With regard to CAR-OTP-2088-1673, included in the Ngaissona Defence's email and unopposed by the other participants, the Chamber notes that this item consists of a compilation of individual accounts titled 'Annex 2 Witnesses for Killings in the CAR\_ Seleka' prepared by or for the UNOLA. Noting that the item does not specify the circumstances or context in which the individuals concerned provided their accounts, nor the purpose or mandate of the UNOLA when compiling these accounts, the Chamber considers that they do not qualify as 'prior recorded testimony' in the sense of Rule 68 of the Rules (*see also* decision ICC-01/14-01/18-1359, paras 18-19). On this basis, the Chamber recognises item CAR-OTP-2088-1673 as formally submitted.

With regard to CAR-OTP-2001-2308, the Chamber notes that the Ngaissona Defence requests the submission of pages 2323 to 2325 only, which is unopposed by the other participants. The Chamber further notes that the item consists of a 141-page long HRW report and that the pages in question contain a press release issued by HRW on 11 March 2014 titled 'Seleka Fighters Attack Village'. Noting that these pages can be read and understood without requiring the item in its entirety for context, the Chamber considers it warranted to depart from the general rule of submission of items as a whole (*see* email decision, 2 July 2021, at 14:07). Accordingly, it grants the Ngaissona Defence's request to recognise pages 2323 to 2325 of item CAR-OTP-2001-2308 as formally submitted.

With regard to item CAR-OTP-2114-0543, the Chamber notes that the Ngaissona Defence requests the submission of pages 0547 to 0548 only, which is unopposed by the other participants. It further notes that the item consists of a document titled 'Facebook Business Record' including several posts made on Facebook, and that the pages in question contain a post that can be read and understood without requiring the item in its entirety for context. Accordingly, the Chamber grants the Ngaissona Defence's request to recognise pages 0547 to 0548 of item CAR-OTP-2114-0543 as formally submitted.

With regard to CAR-OTP-2127-7383, included in the Ngaissona Defence's email, the Chamber notes that this item is the translation/transcript of CAR-OTP-2042-1890, an item which has not been submitted into evidence. The Chamber therefore recognises as formally submitted both CAR-OTP-2127-7383 and CAR-OTP-2042-1890.

In light of the above, the Chamber recognises as formally submitted the following items:

CAR-D30-0002-0008	CAR-OTP-2127-7383
CAR-D30-0008-0090	CAR-REG-0001-0003
CAR-D30-0008-0092	CAR-OTP-2071-2030
CAR-OTP-2001-4118	CAR-D30-0008-0087
CAR-OTP-2008-1289	CAR-OTP-2001-1870
CAR-OTP-2078-0132	CAR-OTP-2001-2308, limited to pages 2323-2325
CAR-OTP-2081-0973	CAR-OTP-2001-3307
CAR-OTP-2088-1673	CAR-OTP-2075-1375
CAR-OTP-2101-5003	CAR-OTP-2114-0543, limited to pages 0547-0548
CAR-OTP-2105-0028	CAR-OTP-2088-2200
CAR-OTP-2109-0407	CAR-OTP-2088-2206
CAR-OTP-2109-0408	CAR-OTP-2088-2207
CAR-OTP-2110-1010	CAR-OTP-2108-1031
CAR-OTP-2110-1015	CAR-OTP-2042-1890
CAR-OTP-2122-9226	

The Registry is directed to proceed in accordance with paragraph 63(v) of the Initial Directions, ICC-01/14-01/18-631.

Kind regards, TC V

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**From:** [REDACTED]  
**Sent:** 04 March 2022 15:10  
**To:** [REDACTED] Trial Chamber V Communications [REDACTED]  
**Cc:** D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]; OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations [REDACTED] Associate Legal Officer-Court Officer [REDACTED]  
**Subject:** RE: Prosecution Submission of evidence following the examination of P-2049

Dear Trial Chamber V,

In light of the Prosecution's submission of evidence following the examination of witness P-20149, the Ngaissona Defence notes that item no. 11 (CAR-OTP-2001-2043) is recognised as formally submitted via email Decision on Submitted Materials for P-1577 (21 June 2021).

Kind regards,

Legal Consultant – Ngaïssona Defence Team  
International Criminal Court (ICC)

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**From:** [REDACTED]  
**Sent:** 03 March 2022 23:35  
**To:** Trial Chamber V Communications [REDACTED] >  
**Cc:** D29 Yekatom Defence Team [REDACTED]; D30 Ngaïssona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team <[REDACTED]>; OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Operations [REDACTED] Associate Legal Officer-Court Officer [REDACTED] >  
**Subject:** Prosecution Submission of evidence following the examination of P-2049

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the *Initial Directions on the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Prosecution submits the documents listed below relating to the testimony of witness P-2049. The submitted documents were discussed with the witness during the course of his examination, or submitted in accordance with Rule 68(3). The Prosecution, therefore, requests that they be recognised as formally submitted.

Please note that, as indicated below in the “Request Submission” column, several items used with P-2049 were already formally submitted in the case.

- (i) Documents discussed with the witness during the course of his examination and submitted by the Prosecution:

Count	Doc ID	WIT - Used Through	Type	EVD - Date Used	Participant	Request Submission
1	CAR-OTP-2073-1329	CAR-OTP-P-2049	Audio / Video Material	25-Feb-2022	OTP	YES
2	CAR-OTP-2085-5082	CAR-OTP-P-1577-CAR-OTP-P-2049	Photograph/s	29-Apr-2021 28-Feb-2022	OTP	NO
3	CAR-OTP-2088-2200	CAR-OTP-P-2049	Photograph/s	25-Feb-2022	OTP	YES
4	CAR-OTP-2088-2204	CAR-OTP-P-2049-CAR-	Audio / Video Material	19-Mar-2021 28-	OTP	NO

		OTP-P-2193		Feb-2022		
5	CAR-OTP-2088-2206	CAR-OTP-P-2049	Photograph/s	25-Feb-2022	OTP	YES
6	CAR-OTP-2088-2207	CAR-OTP-P-2049	Photograph/s	28-Feb-2022	OTP	YES
7	CAR-OTP-2108-1031	CAR-OTP-P-2049	Audio / Video Material	28-Feb-2022	OTP	YES
8	CAR-OTP-2118-9140	CAR-OTP-P-2049	Map	25-Feb-2022 28-Feb-2022 1-Mar-2022	OTP	NO
9	CAR-OTP-2127-6408	CAR-OTP-P-2049 CAR-OTP-P-2193	Translation - FRA	19-Mar-2021 28-Feb-2022	OTP	NO
10	CAR-OTP-2127-6597	CAR-OTP-P-2049	Translation - FRA	25-Feb-2022	OTP	YES
11	CAR-OTP-2001-2043	CAR-OTP-P-2049	Report	2-Mar-2022	D30	YES

Kind regards,

On behalf of OTP Trial Team

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**From:** [REDACTED]  
**Sent:** 03 March 2022 16:34  
**To:** Trial Chamber V Communications  
**Cc:** D30 Ngaïssona Defence Team; D29 Yekatom Defence Team; V44 LRV Team OPCV; V45 LRV Team; V44 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; Associate Legal Officer-Court Officer  
**Subject:** Ngaïssona Defence List of documents to be submitted through P-2049

Dear Trial Chamber V,

Pursuant to paragraph 63(i) of the *Initial Directions of the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Defence for Mr. Ngaïssona requests the submission of the following item used during P-2049's questioning by the non-calling party:

Count	Doc ID	Type	Title	WIT - Used Through	Participant	Request submission
	CAR-D30-0002-0008	Transcript	Transcript of video CAR-OTP-2073-1299	CAR-OTP-P-2049	D30	YES
	CAR-D30-0008-0090	Calendar / Diary	Monthly Prayer Times in Bossangoa	CAR-OTP-P-2049	D30	YES
	CAR-D30-0008-0092	Media / press article	Central African Republic where the state has disappeared and violence reigns - By Koert Lindijer	CAR-OTP-P-2049	D30	YES
	CAR-OTP-2001-4118	Media / press article	Central African Republic Religious tinderbox	CAR-OTP-P-2049	D30	YES
	CAR-OTP-2008-1289	Report	ANNEX M / Bossangoa : alerte rouge. Chronique d'une semaine de peur et de sang	CAR-OTP-P-2049	D30	YES
	CAR-OTP-2073-0097	Photograph/s	1174594_521349727950692_1221649144_n.jpg	CAR-OTP-P-0475 CAR-OTP-P-2049	D30	YES
	CAR-OTP-2073-0107	Photograph/s	993998_521349737950691_1279637182_n.jpg	CAR-OTP-P-0475 CAR-OTP-P-2049	D30	YES

CAR-OTP-2078-0132-R02	ICC Statement - ICC screening	SCREENING NOTE	CAR-OTP-P-2049	D30	YES
CAR-OTP-2081-0973	Audio / Video Material	1. jta_sujet_rca.mp4	CAR-OTP-P-2049	D30	YES
CAR-OTP-2088-1673-R01	Non ICC Statement (Note / Screening / Transcript)	Annex 2 Witnesses for Killings in the CAR_ Seleka	CAR-OTP-P-2049	D30	YES
CAR-OTP-2101-5003	Notes (other)	Annexe 6	CAR-OTP-P-2049	D30	YES
CAR-OTP-2105-0028-R01	ICC Statement - ICC screening	SCREENING NOTE	CAR-OTP-P-2049	D30	YES
CAR-OTP-2109-0407	Communication - E-message	Tweet37	CAR-OTP-P-2049	D30	YES
CAR-OTP-2109-0408	Communication - E-message	Tweet38	CAR-OTP-P-2049	D30	YES
CAR-OTP-2110-0915	Report	RCA mission daily report: 20 December 2013	CAR-OTP-P-2049	D30	YES
CAR-OTP-2110-1010	Non ICC Statement (Note / Screening / Transcript)	Annex I / 31. 13.12.20 interview notes_Redacted.pdf / Notes of 20 December 2013, Bossangoa	CAR-OTP-P-2049	D30	YES
CAR-OTP-2110-1015	Non ICC Statement (Note / Screening / Transcript)	Annex I / 33. 13.12.21 interview notes_Redacted.pdf / Notes of 21 December 2013, Bossangoa	CAR-OTP-P-2049	D30	YES
CAR-OTP-2122-9226	Translation - FRA	Traduction / Transcription de document audio/vidéo / 1. jta_sujet_rca.mp4	CAR-OTP-P-2049	D30	YES
CAR-OTP-2127-7383	Translation - FRA	Traduction / Transcription de document audio/vidéo / Journal 081013S 18H00.mp3	CAR-OTP-P-2049	D30	YES



	CAR-REG-0001-0003	Court document - ICC		CAR-OTP-P-2049	D30	YES
1.	CAR-OTP-2071-2030	Media / press article	Ensemble sauvons le peuple centrafricain de la déchéance	CAR-OTP-P-2049	D30	YES
2.	CAR-D30-0008-0087	Metadata	Video metadata	CAR-OTP-P-2049	D30	YES
3.	CAR-OTP-2001-1870	Report	I can still smell the Dead / The Forgotten Human Rights Crisis in the Central African Republic	CAR-OTP-P-2049	D30	YES
4.	CAR-OTP-2001-2308 <i>Only pages 2323-2325</i>	Report	CENTRAL AFRICAN REPUBLIC / Materials Published by Human Rights Watch since the March 2013 Seleka Group	CAR-OTP-P-2049	D30	YES
5.	CAR-OTP-2001-3307	Non ICC Statement (Note / Screening / Transcript)	WRITTEN TESTIMONY BY MOST REVEREND NESTOR-DESIRE NONGO AZIAGBIA HEARING ON THE CRISIS IN THE CENTRAL AFRICAN REPUBLIC	CAR-OTP-P-2049	D30	YES
6.	CAR-OTP-2075-1375	Map	Ouham (32)	CAR-OTP-P-2049	D30	YES
7.	CAR-OTP-2114-0543 <i>Only pages 0547-0548</i>	Report	Facebook Business Record	CAR-OTP-P-2049	D30	YES

Kind regards,

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Legal Consultant – Ngaïssona Defence Team  
International Criminal Court (ICC)

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