

# **ANNEX**

**PUBLIC**

### **Explanatory Note to Mr Mangenda's Corrected Appeal Brief**

1. Jean-Jacques Mangenda hereby corrects, pursuant to the authorisation granted by the Appeals Chamber on 5 October 2017,<sup>1</sup> footnote 33 of his Appeal Brief of 24 April 2017 and the public redacted version filed on 15 May 2017,<sup>2</sup> by replacing the words “given to the OTP on 4 November 2014” with “created before 5 November 2012”.
2. The correction now accurately refers to the metadata associated with the four Excel spreadsheets, rather than the metadata associated with the Ringtail entry.<sup>3</sup>
3. Footnote 33 now reads as follows:

“33 CAR-OTP-0092-0029; CAR-OTP-0092-0030; CAR-OTP-0092-0031; CAR-OTP-0092-0032. Metadata for the four excel spreadsheets shows that they were **created before 5 November 2012.**”

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<sup>1</sup> *Bemba et al.*, Decision on requests to file correct versions of appeal submissions, ICC-01/05-01/13-2235, 5 October 2017, para. 11 (“[c]onsidering that it is in the interests of all parties to have submissions on the record of the case that are factually accurate, and given that the Prosecutor and Mr Mangenda, having noticed mistakes in their respective submissions, properly brought the matter to the attention of the Appeals Chamber, the Appeals Chamber is of the view that their requests can be granted. The Prosecutor and Mr Mangenda are therefore authorised to file a corrected version of the Consolidated Response and a corrected version of Mr Mangenda’s appeal brief, respectively. Such corrected versions shall include an accompanying annex that sets forth what changes have been made and refers to the authorisation obtained in the present decision for such changes.”) All further citations are to the *Bemba et al.* case.

<sup>2</sup> Appeal Brief, ICC-01/05-01/13-2143-Conf, 24 April 2017; Public Redacted Version of Appeal Brief, ICC-01/05-01/13-2143-Red, 15 May 2017.

<sup>3</sup> Request for Leave to File a Corrected Version of Appeal Brief, ICC-01/05-01/13-2225-Conf, 14 September 2017, para. 3.