

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: **ICC-01/14-01/21**

Date: **23 September 2022**

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

Public
with Confidential Annexes A, B, C, D, and E
(Updated Annexes B, C, D, H, and I of the original List of Evidence)

Prosecution's Updated List of Evidence

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Victims and Witnesses Unit

Detention Section

**Victims Participation
and Reparations Section**

Other

I. CONFIDENTIALITY

1. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, Annexes A, B, C, D, and E which are the updated Annexes B, C, D, H, and I of the original List of Evidence (“Updated Annexes”) are filed as confidential because they contain information that would or may identify Prosecution witnesses or relate to otherwise confidential evidence. The Prosecution submits that they are of such nature that no meaningful public redacted version is feasible.

II. SUBMISSIONS

2. Pursuant to the order of Trial Chamber VI (“Chamber”) in its Decision on the Prosecution’s Request to Vary the Time Limit to Submit Non-Witness Related Evidence,¹ the Prosecution hereby files an updated List of Evidence (“LoE”). This updated LoE includes all materials relevant to P-3108 as ordered by the Chamber:² the most up-to-date version of the report of P-3108,³ the revised annex to this report,⁴ and all the Call Data Records⁵ that are referenced in those items and analysed by P-3108.

3. In the course of this process, the Prosecution has reviewed the entire LoE and has added items which had not been previously captured by the electronic process of extraction of ERN documents from its rule 68 Applications and Bar Table Motions to create the LoE. In total, the Prosecution has added 41 items which are included in the Updated Annexes B, C, D, H and I (Annexes A, B, C, D, and E to this filing).

¹ ICC-01/14-01/21-474, 8 September 2022.

² ICC-01/14-01/21-474, 8 September 2022, paras. 18-19.

³ CAR-OTP-2135-3521 (Corrigendum to the report on Mr SAID telecommunications CDR and attribution at CAR-OTP-2136-0675).

⁴ CAR-OTP-2135-3523 (Corrected annex of Excel table reporting the call sequence tables (“CST”) from the CDR and the phone attributions at CAR-OTP-2135-3387).

⁵ CAR-OTP-2112-1592, CAR-OTP-2069-0469, CAR-OTP-2010-0565, and CAR-OTP-2030-0319.

4. In summary, regarding the Bar Table Motions, the Prosecution has included 1 additional item which is cited in its Bar Table Motion 1 filed on 25 April 2022,⁶ five additional items which are cited in its Bar Table Motion 3 filed on 26 April 2022,⁷ and six additional items⁸ which are cited in its Bar Table Motion 4 filed on 17 May 2022.⁹ All items were disclosed as incriminatory before 13 June 2022 or pursuant to rule 77 of the Rules of Procedure and Evidence (Updated Annexes B, C, and D).

5. Furthermore, regarding the rule 68 Applications, the Prosecution has included four additional items which are cited in its rule 68(2)(b) Application filed on 19 May 2022¹⁰ and 28 additional items¹¹ which are cited in its rule 68(3) Applications filed on 27 June 2022,¹² on 24 June 2022,¹³ and on 1 July 2022.¹⁴ All items were disclosed as incriminatory before 13 June 2022 or pursuant to rule 77 of the Rules. As some rule 68(3) Applications were filed after the deadline set for the LoE, not all items in the Annexes were captured on the LoE filed on 13 June 2022. Moreover, duplicates have been removed so that these updated Annexes now only contain unique ERN documents (Updated Annexes H and I).

6. For ease of reference, the Annexes to this filing are submitted as follows:

- Annex A: Updated Annex B – Items submitted as part of the Second Bar Table Motion (Primature Archives);

⁶ ICC-01/14-01/21-285-Conf.

⁷ ICC-01/14-01/21-286-Conf.

⁸ Three of these additional items were already included on the LoE.

⁹ ICC-01/14-01/21-312-Conf.

¹⁰ ICC-01/14-01/21-319-Conf.

¹¹ Six of these additional items are the materials relevant to P-3108 as ordered by the Chamber in its Decision, ICC-01/14-01/21-474, paras. 18-19.

¹² ICC-01/14-01/21-376-Conf.

¹³ ICC-01/14-01/21-374-Conf.

¹⁴ ICC-01/14-01/21-374-Conf-Corr.

- Annex B: Updated Annex C – Items submitted through the Third Bar Table Motion (B2 Archives);
- Annex C: Updated Annex D – Items submitted through the Fourth Bar Table Motion (E-mails);
- Annex D: Updated Annex H – Items included in requests pursuant to rule 68(2)(b) of the Rules;
- Annex E: Updated Annex I – Items included in requests pursuant to rule 68(3) of the Rules.

7. The Prosecution reserves the right to request additions to this updated LoE, including in relation to items that may be used with Witness P-1339 who testified this month and Witnesses P-0975 and P-2269 who are expected to testify in the coming months in the *Yekatom & Ngaissona* trial.



Karim A. A. Khan KC, Prosecutor

Dated this 23rd day of September 2022
At The Hague, The Netherlands