

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21
Date: 23 February 2024

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
*THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

Confidential

With Confidential Annexes 1-14

**Registry's Transmission of the Amendments to the Prior Recorded Testimonies of
Witnesses P-1523, P-0529, P-0882, P-1825, P-1427, P-1432, P-1970, P-2042, P-2087, P-
0100, P-2239, P-0966, P-2386 and P-2337 pursuant to Rule 68(2)(b) of the Rules of
Procedure and Evidence**

Source: Registry

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

The Office of the Prosecutor Mr Karim A. A. Khan Ms Holo Makwaia	Counsel for the Defence Ms Jennifer Naouri Mr Dov Jacobs
Legal Representatives of the Victims Ms Sarah Pellet	Legal Representatives of the Applicants
Unrepresented Victims	Unrepresented Applicants (Participation/Reparation)
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States’ Representatives	Amicus Curiae

REGISTRY	
Registrar Mr Osvaldo Zavala Giler	Counsel Support Section
Victims and Witnesses Unit	Detention Section
Victims Participation and Reparations Section	Other Mr Thomas Henquet (Registry Legal Office)

I – Introduction

1. On 8 February 2024, the Registry transmitted the declarations and attestations related to the prior recorded testimony of witnesses P-1523 (“Witness P-1523”), P-0529 (“Witness P-0529”), P-0882 (“Witness P-0882”), P-1825 (“Witness P-1825”), P-1277 (“Witness P-1277”), P-1427 (“Witness P-1427”), P-1432 (“Witness P-1432”), P-1970 (“Witness P-1970”), P-2042 (“Witness P-2042”), P-2295 (“Witness P-2295”), P-2087 (“Witness P-2087”), P-0100 (“Witness P-0100”), P-2239 (“Witness P-2239”), P-0966 (“Witness P-0966”), P-2386 (“Witness P-2386”), P-2337 (“Witness P-2337”), and P-1424 (“Witness P-1424”) provided to the Office of the Prosecutor (“Prosecution”) pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence (“Registry’s Transmission”).¹

2. On 16 February 2024, Trial Chamber VI (“Chamber”) noted in a written communication that the annexes to the Registry’s Transmission “often make reference to attached documents containing amendments to the Prior Recorded Testimony [...] of the witnesses. However, said documents are not included in the annexes and no references have been provided.”² (“Chamber’s Communication of 16 February 2024”) Therefore, the Chamber instructed the Registry, in consultation with the Prosecution, “to either notify the relevant documents or at least provide a list with the references for each document and to which annex it is linked.”³

3. The Chamber also instructed the Prosecution “to inform the Registry and the Chamber by Monday 19 February 2024 whether or not it will seek to redact the annexes to the [Registry’s Transmission] and to justify the requested redactions.”⁴

¹ Trial Chamber VI, “Registry’s Transmission of the Declarations made by Witnesses P-1523, P-0529, P-0882, P-1825, P-1277, P-1427, P-1432, P-1970, P-2042, P-2295, P-2087, P-0100, P-2239, P-0966, P-2386, P-2337, and P-1424 pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence”, 8 February 2024, ICC-01/14-01/21-692-Conf.

² E-mail from Trial Chamber VI, dated 16 February 2024, at 14.08.

³ *Idem*.

⁴ *Idem*.

4. On 16 February 2024, the Prosecution indicated in a written communication to the Chamber that the Prosecution “shall not propose any redactions to the 17 annexes to the [Registry’s Transmission].”⁵

5. On 19 February 2024, the Chamber indicated in a written communication that “the Chamber notes that the Prosecution is not requesting any redactions to the annexes and therefore the Chamber sees no reason why they should remain *ex parte*. Accordingly, the Chamber orders the Registry to reclassify the annexes as confidential.”⁶ (“Chamber’s Communication of 19 February 2024”)

II - Classification

6. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court (“RoC”), the present submission is classified as “confidential” because it refers to details of internal procedures between Registry officials and witnesses that are usually kept confidential. Furthermore, in accordance with the Chamber’s Communication of 19 February 2024 and pursuant to regulation 23 *bis*(3) RoC, the annexes to this submission are classified as “confidential”.

III - Submission

7. The Registry confirms and regrets that, due to an oversight, the documents containing the amendments to the prior recorded testimony of witnesses P-1523, P-0529, P-0882, P-1825, P-1427, P-1432, P-1970, P-2042, P-2087, P-0100, P-2239, P-0966, P-2386 and P-2337 were not included in the Registry’s Transmission.

8. As per Chamber’s instruction,⁷ the Registry hereby submits the documents containing the amendments to the prior recorded testimonies of witnesses P-1523, P-0529, P-0882, P-1825, P-1427, P-1432, P-1970, P-2042, P-2087, P-0100, P-2239, P-0966, P-2386 and P-2337.

⁵ E-mail from the Prosecution, dated 16 February 2024, at 16.44.

⁶ E-mail from Trial Chamber VI, dated 19 February 2024, at 13.43.

⁷ E-mail from Trial Chamber VI, dated 16 February 2024, at 14.08.

9. This transmission is made in accordance with rule 68(2)(b) of the Rules of Procedure and Evidence, the Chamber's "Decision on the Prosecution's First, Second and Fourth Requests Pursuant to Rule 68(2)(b) of the Rules",⁸ the Chamber's "Decision on the Prosecution's Sixth Request Pursuant to Rule 68(2)(b) of the Rules",⁹ the Chamber's Communication of 16 February 2024 and the Chamber's Communication of 19 February 2024.

10. Accordingly, the Registry transmits the following documents:

Annex 1: Amendments to the Prior Recorded Testimony of Witness P-1523.¹⁰

Annex 2: Amendments to the Prior Recorded Testimony of Witness P-0529.¹¹

Annex 3: Amendments to the Prior Recorded Testimony of Witness P-0882.¹²

Annex 4: Amendments to the Prior Recorded Testimony of Witness P-1825.¹³

Annex 5: Amendments to the Prior Recorded Testimony of Witness P-1427.¹⁴

Annex 6: Amendments to the Prior Recorded Testimony of Witness P-1432.¹⁵

Annex 7: Amendments to the Prior Recorded Testimony of Witness P-1970.¹⁶

⁸ Trial Chamber VI, "Decision on the Prosecution's First, Second and Fourth Requests Pursuant to Rule 68(2)(b) of the Rules", 20 October 2022, ICC-01/14-01/21-507-Conf.

⁹ Trial Chamber VI, "Decision on the Prosecution's Sixth Request Pursuant to Rule 68(2)(b) of the Rules", 21 November 2022, ICC-01/14-01/21-555-Conf.

¹⁰ The Declaration of Witness P-1523 and the Attestation of the Witnessing Officer with respect to Witness P-1523 were filed as Annex I of the Registry's Transmission.

¹¹ The Declaration of Witness P-0529 and the Attestation of the Witnessing Officer with respect to Witness P-0529 were filed as Annex II of the Registry's Transmission.

¹² The Declaration of Witness P-0882 and the Attestation of the Witnessing Officer with respect to Witness P-0882 were filed as Annex III of the Registry's Transmission.

¹³ The Declaration of Witness P-1825 and the Attestation of the Witnessing Officer with respect to Witness P-1825 were filed as Annex IV of the Registry's Transmission.

¹⁴ The Declaration of Witness P-1427 and the Attestation of the Witnessing Officer with respect to Witness P-1427 were filed as Annex VI of the Registry's Transmission.

¹⁵ The Declaration of Witness P-1432 and the Attestation of the Witnessing Officer with respect to Witness P-1432 were filed as Annex VII of the Registry's Transmission.

¹⁶ The Declaration of Witness P-1970 and the Attestation of the Witnessing Officer with respect to Witness P-1970 were filed as Annex VIII of the Registry's Transmission.

Annex 8: Amendments to the Prior Recorded Testimony of Witness P-2042.¹⁷

Annex 9: Amendments to the Prior Recorded Testimony of Witness P-2087.¹⁸

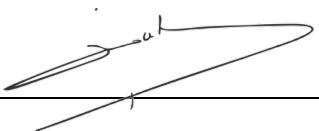
Annex 10: Amendments to the Prior Recorded Testimony of Witness P-0100.¹⁹

Annex 11: Amendments to the Prior Recorded Testimony of Witness P-2239.²⁰

Annex 12: Amendments to the Prior Recorded Testimony of Witness P-0966.²¹

Annex 13: Amendments to the Prior Recorded Testimony of Witness P-2386.²²

Annex 14: Amendments to the Prior Recorded Testimony of Witness P-2337.²³



Marc Dubuisson, Director Division of Judicial Services

on behalf of

Oswaldo Zavala Giler, Registrar

Dated this 23 February 2024

The Hague, the Netherlands

¹⁷ The Declaration of Witness P-2042 and the Attestation of the Witnessing Officer with respect to Witness P-2042 were filed as Annex IX of the Registry's Transmission.

¹⁸ The Declaration of Witness P-2087 and the Attestation of the Witnessing Officer with respect to Witness P-2087 were filed as Annex XI of the Registry's Transmission.

¹⁹ The Declaration of Witness P-0100 and the Attestation of the Witnessing Officer with respect to Witness P-0100 were filed as Annex XII of the Registry's Transmission.

²⁰ The Declaration of Witness P-2239 and the Attestation of the Witnessing Officer with respect to Witness P-2239 were filed as Annex XIII of the Registry's Transmission.

²¹ The Declaration of Witness P-0966 and the Attestation of the Witnessing Officer with respect to Witness P-0966 were filed as Annex XIV of the Registry's Transmission.

²² The Declaration of Witness P-2386 and the Attestation of the Witnessing Officer with respect to Witness P-2386 were filed as Annex XV of the Registry's Transmission.

²³ The Declaration of Witness P-2337 and the Attestation of the Witnessing Officer with respect to Witness P-2337 were filed as Annex XVI of the Registry's Transmission.