

From: Trial Chamber VI Communications
Sent: 20 May 2022 15:01
To: OTP CAR IIA Communications
Cc: D33 Said Defence Team; Said LRV Team OPCV; Associate Legal Officer-Court Officer
Subject: Decision on Request for an extension of page limit to Annexes to the Prosecution's 6th Bar Table Motion

Dear Prosecution,

With reference to your request below, the Chamber has taken into account the fact that the anticipated request concerns 153 items and that the Prosecution has been instructed to provide specific information in relation to each of these items. Therefore, pursuant to regulation 37(2) of the Regulations of the Court, the Chamber finds there are exceptional grounds and hereby grants an extension of page limit for the substantive annexes to 85 pages.

Kind regards,
 Trial Chamber VI

From: [REDACTED]
Sent: 20 May 2022 12:34
To: Trial Chamber VI Communications [REDACTED]
Cc: Trial Chamber VI Legal Team [REDACTED]; D33 Said Defence Team [REDACTED]; Said LRV Team OPCV [REDACTED]; OTP CAR IIA Communications [REDACTED]; Said LRV Team OPCV [REDACTED]
Subject: RE: Request for an extension of page limit to Annexes to the Prosecution's 6th Bar Table Motion (Supportive Evidence)

Dear Trial Chamber VI,

Please accept my apologies but I would like to correct the request sent below as follows: The total number of pages extension requested is indeed 85 (not as erroneously specified 73). The total number of items included in the Annexes are as follows:

Annex A: 85 items
 Annex B: 68 items

Please do not hesitate to contact me if there are any questions or concerns.

Kind regards, [REDACTED]

From: [REDACTED]
Sent: 20 May 2022 12:15
To: Trial Chamber VI Communications [REDACTED]
Cc: Trial Chamber VI Legal Team [REDACTED]; D33 Said Defence Team [REDACTED]; Said LRV Team OPCV [REDACTED]; OTP CAR IIA Communications [REDACTED]; Said LRV Team OPCV [REDACTED]
Subject: Request for an extension of page limit to Annexes to the Prosecution's 6th Bar Table Motion (Supportive Evidence)

Dear Trial Chamber VI,

Pursuant to your order ICC-01/14-01/21-277 of 11 April 2022, the Prosecution hereby requests an extension of the page limit of the Annexes of its 6th Bar Table Motion, which we intend to file on Monday.

The cover filing will be limited to 12 pages. However, the filing includes substantive Annexes A and B which together comprise 85 pages. Annexes A and B fully comply with the instructions given by the Chamber in the directions on the conduct of the proceedings decision, as it contains (i) a short description of the content of each item; (ii) in the case of a lengthy document, an index of the most relevant portions of the document or recording; and (iii) a short description of its relevance, and prima facie probative value. The Annexes follow the model of the first Bar Table Motions, as it includes columns for the ERN, date, title, authenticity and defence position. The field on relevance and probative value summarises the content, relevance and probative value in a concise manner. This information is substantive and is complemented by the legal submissions of the cover filing.

The Prosecution considers that there are exceptional circumstances within the meaning of regulation 37(2) of the Regulations, justifying an extension of the page limit for the following reasons: Annexes A and B concern supporting evidence items collected from various sources, which the Prosecution argues are sufficiently relevant to being submitted to the bar table pursuant to articles 64(9)(a) and 69(2)-(4) of the Statute.

These items prima facie satisfy the criteria for submission. They are relevant to material issues at trial, probative, and bear sufficient indicia of reliability. They are also cumulative to or corroborative of other Prosecution evidence. Their admission would assist the Chamber to determine the truth and contribute to an expeditious trial. The documents are directly relevant to issues at trial, namely (1) the organisation of the parties to the conflict and existence of ongoing armed hostilities, (2) the structure and functioning of the Seleka armed group in the period relevant to the charges, (3) the re-grouping of the pro-BOZIZE forces, (4) underlying incidents of the attack against a civilian population such as the Boy Rabe disarmament operations, and (5) several Charges as set out in paragraph 29 of the Confirmation Decision.

The Prosecution is mindful that page limits are imposed on parties' submissions to make them present their arguments in a concise and coherent manner. However, the page limit extension sought by the Prosecution is for the Annexes which list the actual items submitted and set out their relevance to the case in a detailed manner, while the cover filing sets out the legal submissions. Both have to be read jointly as the cover filing cites the items in the Annexes. Finally, the request is based on the Prosecution's careful assessment of the length necessary to complete the Bar Table Motion.

For the above reasons, the Prosecution requests that the Chamber grant an extension of the page limit for the 6th Bar Table Motion of 73 pages.

Kind regards,



[Redacted]
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