

# Annex 5

Public Redacted

**From:** Trial Chamber VI Communications  
**Sent:** 25 April 2022 08:56  
**To:** D33 Said Defence Team; OTP CAR IIA Communications; Said LRV Team OPCV  
**Cc:** Trial Chamber VI Communications  
**Subject:** Decision on Request for an extension of the page limit for the Prosecution's submission of its Second Bar Table Application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear parties and participants,

The Chamber takes note of the Prosecution request of 21 April 2022 below to extend the page limit for one of its filings.

Having considered the content of the request, and also taking note of the fact that the request is unopposed, the Chamber finds that the requirements of Regulation 37(2) of the Regulations of the Court are fulfilled. Accordingly, it authorises the Prosecution to file an annex of 35 pages with its anticipated request, as requested below.

Kind regards,  
 Trial Chamber VI

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**From:** Naouri, Jennifer [REDACTED]  
**Sent:** 22 April 2022 14:34  
**To:** Trial Chamber VI Communications [REDACTED]  
**Cc:** OTP CAR IIA Communications [REDACTED] D33 Said Defence Team  
 [REDACTED] Said LRV Team OPCV [REDACTED]  
**Subject:** RE: Request for an extension of the page limit for the Prosecution's submission of its Second Bar Table Application

Chère Chambre de Première Instance VI,

La Défense de Monsieur Said a pris note de la "Request for an extension of the page limit for the Prosecution's submission of its Second Bar Table Application" formulée par email le 22 avril 2022.

Pour la Défense, il est crucial que les Parties puissent disposer de la capacité de s'exprimer de manière complète, dans leurs écritures, afin de présenter de manière exhaustive et argumentée tous leurs arguments, permettant ainsi aux autres Parties et participants de disposer de toutes les informations utiles pour pouvoir y répondre et permettant aux Juges de pouvoir rendre, à l'issue du débat contradictoire, une décision éclairée. Plus particulièrement, sur un sujet aussi important qu'une "Bar Table" qui concerne des éléments de preuve à charge qui pourraient être soumis au dossier de l'affaire sans passer par le truchement d'un témoin, il est crucial 1) que l'Accusation - sur qui repose la charge de la preuve de justifier de la recevabilité des éléments de preuve qui pourraient être soumis au dossier - puisse exposer pleinement les raisons sous-tendant ses demandes et qu'elle puisse argumenter de leur pertinence et 2) que la Défense puisse à son tour répondre de manière complète à toutes les raisons et arguments présentés par l'Accusation au soutien de toutes ses demandes d'admission.

C'est la raison pour laquelle la Défense ne s'oppose pas à la demande de l'Accusation.

La Défense informe d'ores et déjà la Chambre de ce qu'elle sera en mesure de déterminer concrètement ses propres besoins en pages additionnelles une fois qu'elle disposera de l'écriture officielle déposée par

l'Accusation puisqu'alors elle pourra argumenter sa demande en pages additionnelles, si une demande devait s'avérer nécessaire, sur la bases des éléments et des arguments présentés par l'Accusation dans sa demande.

La Défense déposera alors éventuellement une demande de pages additionnelles en temps utile, si cela devait s'avérer nécessaire.

Bien à vous,

Jennifer Naouri

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**From:** Trial Chamber VI Communications [REDACTED]  
**Sent:** 22 April 2022 11:56  
**To:** D33 Said Defence Team <[REDACTED]>; Said LRV Team OPCV [REDACTED]  
[REDACTED]  
**Cc:** OTP CAR IIA Communications [REDACTED]>; Trial Chamber VI Communications <[REDACTED]>  
**Subject:** RE: Request for an extension of the page limit for the Prosecution's submission of its Second Bar Table Application

Dear parties and participants,

Pursuant to Regulation 34 of the Regulations of the Court, the Chamber hereby instructs the other parties and participants to send responses to the Prosecution request, if any, by today, Friday, 22 April 2022, COB.

Kind regards,  
Trial chamber VI

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**From:** Macdonald, Eric [REDACTED]  
**Sent:** 22 April 2022 11:19  
**To:** Trial Chamber VI Communications [REDACTED]>; OTP CAR IIA Communications <[REDACTED]>  
**Cc:** D33 Said Defence Team [REDACTED]>; Said LRV Team OPCV [REDACTED]  
[REDACTED]>  
**Subject:** RE: Request for an extension of the page limit for the Prosecution's submission of its Second Bar Table Application

Dear Trial Chamber,

My initial email should have contained also the following information. This Second Application references 61 items of evidence. These items were obtained from the Archives of the *Primature*. The *Primature* being the Office of the Prime Minister of CAR.

We hope this clarifies our extension request and remain available to provide any further information.

Kind regard,

Eric

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**From:** Macdonald, Eric [REDACTED] >  
**Sent:** 22 April 2022 10:48  
**To:** Trial Chamber VI Communications [REDACTED] >; OTP CAR IIA Communications [REDACTED] >  
**Cc:** D33 Said Defence Team [REDACTED] >; Said LRV Team OPCV [REDACTED]  
**Subject:** RE: Request for an extension of the page limit for the Prosecution's submission of its Second Bar Table Application

Dear Trial Chamber,

Indeed, the number is 61 items of evidence. The Annex follows the exact same model as Annex A of the first Application.

Kind regards,

Eric

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**From:** Trial Chamber VI Communications [REDACTED]  
**Sent:** 22 April 2022 10:45  
**To:** Macdonald, Eric <[REDACTED]>; OTP CAR IIA Communications [REDACTED] >  
**Cc:** D33 Said Defence Team [REDACTED] >; Said LRV Team OPCV [REDACTED] >; Trial Chamber VI Communications [REDACTED] >  
**Subject:** RE: Request for an extension of the page limit for the Prosecution's submission of its Second Bar Table Application

Dear Mr MacDonald,

Regarding the request below, the Chamber would like to be informed of the number of items of evidence sought to be submitted in the second bar table motion.

Kind regards,  
Trial Chamber VI

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**From:** Macdonald, Eric [REDACTED] >  
**Sent:** 21 April 2022 15:37  
**To:** Trial Chamber VI Communications [REDACTED] >  
**Cc:** D33 Said Defence Team [REDACTED]; Said LRV Team OPCV <[REDACTED]>; OTP CAR IIA Communications [REDACTED] >  
**Subject:** Request for an extension of the page limit for the Prosecution's submission of its Second Bar Table Application

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 Annex of its the Second Bar Table Motion which we intend to file Monday.

The cover filing will be less than 12 pages. The filing will include a substantive Annex A of 35 pages which mirrors the Annex of our First Application (ICC-01/14-01/21-279). 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 Annex also 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.

For the same reasons as submitted for our First Application, the Prosecution kindly requests a page extension of Annex A to 35 pages.

Kind regards,



Cour  
Pénale  
Internationale  
International  
Criminal  
Court



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**Eric MacDonald**

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