

Annex 7

Public Redacted

[REDACTED]

From: Trial Chamber VI Communications
Sent: 26 April 2022 09:29
To: Naouri, Jennifer; Trial Chamber VI Communications
Cc: Trial Chamber VI Legal Team; D33 Said Defence Team; OTP CAR IIA Communications; Said LRV Team OPCV; [REDACTED]
Subject: RE: Requests for an extension of the page limit of the Annex to our Third Bar Table Motion (items from the Deuxième Bureau du service de renseignement militaire (B2 Office))

Follow Up Flag: Follow up
Flag Status: Flagged

Dear parties and participants,

Having considered the Prosecution request of 25 April 2022, the Chamber is of the view that exceptional circumstances exist within the meaning of regulation 37(2) of the Regulations of the Court justifying an extension of the page limit applicable to the Prosecution's third bar table motion. Therefore, it grants the requested extension of the page limit.

Kind regards,

Trial Chamber VI

From: Naouri, Jennifer <[REDACTED]>
Sent: 25 April 2022 15:18
To: Trial Chamber VI Communications <[REDACTED]>
Cc: Trial Chamber VI Legal Team <[REDACTED]>; D33 Said Defence Team <[REDACTED]>; OTP CAR IIA Communications <[REDACTED]>; Said LRV Team OPCV <[REDACTED]>
Subject: RE: Requests for an extension of the page limit of the Annex to our Third Bar Table Motion (items from the Deuxième Bureau du service de renseignement militaire (B2 Office))

Chère Chambre de Première Instance VI,

La Défense de Monsieur Said a pris note de la "Request for an extension of the page limit of the Annex to our Third Bar Table Motion" formulée par email le 25 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

From: [REDACTED]
Sent: 25 April 2022 14:51
To: Trial Chamber VI Communications [REDACTED] >
Cc: Trial Chamber VI Legal Team [REDACTED] >; D33 Said Defence Team <[REDACTED]>; OTP CAR IIA Communications [REDACTED] >; Said LRV Team OPCV [REDACTED] >
Subject: RE: Requests for an extension of the page limit of the Annex to our Third Bar Table Motion (items from the Deuxième Bureau du service de renseignement militaire (B2 Office))

Dear Trial Chamber VI,

The Legal Representative has no objection to the Prosecution Request below.

On behalf of the Legal Representative,
 Kind regards,



[REDACTED]
 Juriste adjoint de 1re classe / Associate Legal Officer
 Bureau du conseil public pour les victimes (BCPV)
 Office of Public Counsel for Victims (OPCV)
 International Criminal Court

[REDACTED]
www.icc-cpi.int

#VictimsMatter

From: Macdonald, Eric [REDACTED] >
Sent: 25 April 2022 14:16
To: Trial Chamber VI Communications [REDACTED] >
Cc: Trial Chamber VI Legal Team [REDACTED] >; D33 Said Defence Team [REDACTED] >; OTP CAR IIA Communications [REDACTED] >; Said LRV Team OPCV [REDACTED] >
Subject: Requests for an extension of the page limit of the Annex to our Third Bar Table Motion (items from the Deuxième Bureau du service de renseignement militaire (B2 Office))

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 Third Bar Table Motion which we intend to file tomorrow if possible.


The cover filing will be limited to about 9 pages. However, the filing includes a substantive Annex A of 23 pages. Annex A fully complies 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 Annex follows the model of the first two 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: Annex A concerns 35 items collected from the *Deuxième Bureau du service de renseignement militaire* (B2 Office) at the Camp de Roux, 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, and (2) the structure and functioning of the Seleka armed group in the period relevant to the charges.


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 Annex which lists the actual items submitted to the bar table and not the cover filing which sets out the legal submissions. Both have to be read jointly as the cover filing cites items in the Annex. 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 First Bar Table Motion from 12 to 32 pages.

Kind regards,



Cour
Pénale
Internationale
International
Criminal
Court



Eric MacDonald
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