

ANNEX 16

PUBLIC REDACTED

[REDACTED]

From: Trial Chamber VI Communications
Sent: 17 May 2022 15:31
To: Macdonald, Eric; Trial Chamber VI Communications
Cc: D33 Said Defence Team; Said LRV Team OPCV; OTP CAR IIA Communications
Subject: RE: Prosecution request extension of the page limit of the Annex of its the Fourth Bar Table Motion

Dear Prosecution,

With reference to your request below, the Chamber has taken into account the fact that the anticipated request concerns 121 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 it hereby grants an extension of page limit for the substantive annex to 48 pages.

Kind regards,
Trial Chamber VI

From: Macdonald, Eric [REDACTED]
Sent: 16 May 2022 10:08
To: Trial Chamber VI Communications <[REDACTED]>
Cc: D33 Said Defence Team [REDACTED]; Said LRV Team OPCV [REDACTED]; OTP CAR IIA Communications [REDACTED]
Subject: Prosecution request extension of the page limit of the Annex of its the Fourth Bar Table Motion
Importance: High

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 Fourth Bar Table Motion which we intend to file as soon as possible.

The cover filing will be limited to about 10pages. However, the filing includes a substantive Annex A of 48 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 121 items in the form of emails dated in 2013 which were collected from the Irish authorities. The emails were collected from accounts attributed to members of the pro-Bozize forces 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 the pro-Bozize forces 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.

Both the Defence and OPCV agree with the page extension request to the Annex.

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 48 pages.

Kind regards,

Eric