

Annex 1

Public

[REDACTED]

From: Trial Chamber I Communications
Sent: 22 September 2022 11:35
To: Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team
Cc: FS Items Communication; Associate Legal Officer-Court Officer; Trial Chamber I Communications
Subject: Decision on the submission of material through P-0883
Attachments: P-0883 - Defence List of Material for Submission; P-0883 - List of Material for Submission; RE: P-0883 - Defence List of Material for Submission; RE: P-0883 - List of Material for Submission

Dear Counsel,
Dear colleagues,

The Chamber notes the submission of 30 items by the Prosecution following the testimony of P-0883 (*see* attached email of 5 September 2022 at 16:27).

Upon instruction by the Chamber (*see* email of 9 September 2022 at 10:07), the Prosecution provided explanations about items 25 to 28 of its List of Material for Submission (*see* email of 9 September 2022 at 15:07). The Defence did not raise any objections in this regard.

The Chamber also notes the submission of 8 items by the Defence (*see* attached email of 5 September 2022 at 18:11). On 7 September 2022, the Prosecution responded that it did not object to the first six items on the Defence's list, but noted that items DAR-D31-0001-0001 and DAR-D31-0001-0007 had already been formally submitted through witness P-0850 (*see* attached email of 7 September 2022 at 13:54).

The Chamber notes that DAR-D31-0001-0001 and DAR-D31-0001-0007 were indeed submitted by the Defence through witness P-0850. The Chamber recalls that their submission was rejected because the items had not been 'used' with that witness as such and had instructed the Defence to submit a written application for their submission instead (*see* email Decision on the submission of evidence through P-0850 of 14 June 2022 at 10:17).

However, the Chamber finds that items DAR-D31-0001-0001 and DAR-D31-0001-0007 were used by the Defence with witness P-0883 (*see* ICC-02/05-01/20-T-074-ENG RT p. 6, lines 6-8).

Noting that the items tendered by both the Prosecution and the Defence were used and discussed with P-0883, the Chamber hereby recognises the items as formally submitted.

The Registry is therefore directed to proceed in accordance with paragraph 31(iv) of the Directions on the conduct of the proceedings (filing 478).

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

[REDACTED]

From: Whitford, Alison
Sent: 07 September 2022 13:54
To: Issa Abdel Badih, Ahmad; Trial Chamber I Communications; Abd Al Rahman Prosecution Team; V47 Abd Al Rahman LRV Team
Cc: D31 Abd-Al-Rahman Defence Team; Associate Legal Officer-Court Officer; [REDACTED]
Subject: RE: P-0883 - Defence List of Material for Submission

Dear Trial Chamber I
Dear colleagues

The Prosecution does not object to the submission into evidence of items DAR-OTP-0116-0889, DAR-OTP-0103-0559, DAR-D31-0002-0003, DAR-D31-0002-0010, DAR-OTP-0220-4778 and DAR-D31-0003-0177.

In relation to DAR-D31-0001-0001 and DAR-D31-0001-0007, the Prosecution notes that these items were already formally submitted through witness P-0850.

Best regards
Alison Whitford

From: Issa Abdel Badih, Ahmad [REDACTED]
Sent: 05 September 2022 18:11
To: Trial Chamber I Communications [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] V47 Abd Al Rahman LRV Team
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: P-0883 - Defence List of Material for Submission

Dear Trial Chamber I,

Pursuant to the procedure set out in paragraphs 31-33 of the Directions on the conduct on proceedings (ICC-02/05-01/20-478), the Defence hereby seeks the admission into evidence of the material used through Witness P-0883 listed below.

For ease of reference, the relevant Transcript pages indicating the ERN of the material and the relevant excerpts where the material was discussed are also identified below:

- DAR-OTP-0116-0889, People's Defence Forces Act 1989, RT T-073 page 39, lines 19-20 ;
- DAR-OTP-0103-0559, Translation of the People's Defence Forces Act 1989 ; page 39, line 16 ;
- DAR-D31-0002-0003, Order of designation of badge 58 Garsila of the Central Reserve Police, RT T-073 page 59, lines 5 and 6 ;
- DAR-D31-0002-0010, Translation of "Group Assignment No. 58 Garsila", RT T-073 page 59, lines 6 to 8 ;
- DAR-OTP-0220-4778, Garsila satellite image, RT T-074 page 23, lines 7 to 11 ;
- DAR-D31-0003-0177, Arabic version of The Criminal Act 1991, RT T-074 page 15 line 25 ;
- DAR-D31-0001-0001, Certificate of General Medical Assistant from military hospital, RT 074 page 6, lines 6 to 8 ;
- DAR-D31-0001-0007, Translation of "Certificate of General Medical Assistant from military hospital", RT 074 page 6, lines 6 to 8.

Kind regards,
Ahmad Issa,
Case Manager in the Defence team of Mr. Abd-Al Rahman

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[REDACTED]

From: Sabatini, Claire
Sent: 09 September 2022 15:07
To: Trial Chamber I Communications
Cc: Abd Al Rahman Prosecution Team
Subject: RE: P-0883 - List of Material for Submission

Dear [REDACTED]

We would like to provide some further information to assist the Chamber in relation to these items. Item DAR-OTP-0218-0279-R01 (Translation at DAR-OTP-0219-7071-R01) [REDACTED]

[REDACTED] Item DAR-OTP-0218-0404 (Translation at DAR-OTP-0219-6935)

[REDACTED]. For completeness, the Prosecution therefore seeks to introduce both versions.

[REDACTED] was referenced by the Prosecution at: ICC-02/05-01/20-T-072-CONF-ENG ET, p. 46, l. 1–p. 48. l. 4. The Prosecution apologies for not placing the relevant ERNs on the record at that time.

[REDACTED] was also referenced by the Defence at: ICC-02/05-01/20-T-074-ENG-RT, p. 68, l. 22-p. 71, l. 4.

We hope that this information sufficiently answers your query in relation to these items.

Best regards
 Claire

From: Sabatini, Claire
Sent: 09 September 2022 12:06
To: Trial Chamber I Communications [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED]
Subject: RE: P-0883 - List of Material for Submission

Dear [REDACTED]

Thank you for your email. We will respond shortly with the transcript references in relation to P-0883.

I have also informed the team and we will be sure to include the transcript references for future Lists of Material for Submission.

Kind regards,
 Claire

From: Trial Chamber I Communications [REDACTED]
Sent: 09 September 2022 10:07
To: Sabatini, Claire [REDACTED]; Abd Al Rahman Prosecution Team [REDACTED]
Cc: Trial Chamber I Communications [REDACTED]
Subject: RE: P-0883 - List of Material for Submission

Dear Ms Sabatini,

While considering the items submitted by the Prosecution for witness P-0883, the following items do not appear to have been used by the Prosecution:

- 25. DAR-OTP-0218-0279-R01 - Investigation Report
- 26. DAR-OTP-0219-7071-R01-Translation of Evidence / Investigation Report
- 27. DAR-OTP-0218-0404 - Non ICC Statement (Note / Screening / Transcript)
- 28. DAR-OTP-0219-6935 - Translation of Evidence

Could you please provide the Chamber, as the Defence does, with references to the transcripts where these items were used by the Prosecution?

Going forward, could the Prosecution please provide references to the transcript for each item it intends to submit? This would greatly assist the Chamber in its decisions on the submission of evidence through witnesses.

Kind regards,

From: Sabatini, Claire [REDACTED]
Sent: 05 September 2022 16:27
To: Trial Chamber I Communications [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED] V47 Abd Al Rahman LRV Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED] [REDACTED] Abd Al Rahman Prosecution Team [REDACTED]
Subject: P-0883 - List of Material for Submission

Dear Trial Chamber I
Dear colleagues,

Please see attached the list of material for submission in relation to P-0883.

The Prosecution used DAR-OTP-0222-0037 and DAR-OTP-0215-2697 during the questioning of P-0883, but does not seek their introduction into evidence since these items were already formally submitted through prior witnesses.

In relation to item DAR-OTP-0218-0279 (Translation at DAR-OTP-0219-7071), as previously agreed with the Defence, the Prosecution does not rely on the section of the interview relating to another individual (pages 7078-7082).

Kind regards,

Claire Sabatini



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Prosecution's List of Material for Submission - Witness DAR-OTP-P-0883

#	ERN (e-Court/JEM)	Type	Title
1.	DAR-OTP-0218-0111	Identifying document	ANNEX A1
2.	DAR-OTP-0219-5818	Translation - ENG	Translation of Evidence / ANNEX A1
3.	DAR-OTP-0218-0115	Sketch	ANNEX B1
4.	DAR-OTP-0219-5825	Translation - ENG	Translation of Evidence / ANNEX B1
5.	DAR-OTP-0218-0117	Sketch	ANNEX C
6.	DAR-OTP-0219-5828	Translation - ENG	Translation of Evidence / ANNEX C
7.	DAR-OTP-0221-0406-R01	Notes (other)	Annex I
8.	DAR-OTP-0219-5243-R01	Translation - ENG	Translation of Evidence / Annex I
9.	DAR-OTP-0221-0407-R01	Notes (other)	ANNEX II
10.	DAR-OTP-0219-5245-R01	Translation - ENG	Translation of Evidence / ANNEX II
11.	DAR-OTP-0221-0408-R01	Notes (other)	ANNEX III
12.	DAR-OTP-0219-5247-R01	Translation - ENG	Translation of Evidence / ANNEX III
13.	DAR-OTP-0221-0409-R01	Notes (other)	ANNEX IV
14.	DAR-OTP-0219-5249-R01	Translation - ENG	Translation of Evidence / ANNEX IV
15.	DAR-OTP-0221-0410-R01	Notes (other)	ANNEX V
16.	DAR-OTP-0219-5251-R01	Translation - ENG	Translation of Evidence / ANNEX V
17.	DAR-OTP-0221-0411-R01	Notes (other)	ANNEX VI
18.	DAR-OTP-0219-5253-R01	Translation - ENG	Translation of Evidence / ANNEX VI
19.	DAR-OTP-0221-0412-R01	Notes (other)	ANNEX VII
20.	DAR-OTP-0219-5255-R01	Translation - ENG	Translation of Evidence / ANNEX VII
21.	DAR-OTP-0221-0413-R01	Notes (other)	ANNEX VIII
22.	DAR-OTP-0219-5257-R01	Translation - ENG	Translation of Evidence / ANNEX VIII
23.	DAR-OTP-0221-0414-R01	Notes (other)	ANNEX IX
24.	DAR-OTP-0219-5259-R01	Translation - ENG	Translation of Evidence / ANNEX IX
25.	DAR-OTP-0218-0279-R01	Non ICC Statement (Note / Screening / Transcript)	Investigation Report

26.	DAR-OTP-0219-7071-R01	Translation - ENG	Translation of Evidence / Investigation Report
27.	DAR-OTP-0218-0404	Non ICC Statement (Note / Screening / Transcript)	
28.	DAR-OTP-0219-6935	Translation - ENG	Translation of Evidence
29.	DAR-OTP-00000064	ICC Statement - General	Document containing paragraphs 12-17 extracted from P-0883's statement, signed by the witness on 26/8/22 attesting to its accuracy and agreeing for its introduction into evidence.
30.	DAR-OTP-00000065	ICC Statement - General	Document containing paragraphs 217-277 extracted from P-0883's statement, signed by the witness on 26/8/22 attesting to its accuracy and agreeing for its introduction into evidence.