

ANNEX 1
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Version

From: Trial Chamber V Communications
Sent: 20 February 2023 09:59
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Trial Chamber V Communications; Chamber Decisions Communication
Subject: Decision on Submitted Materials for P-1962
Attachments: Yekatom Defence Submission of evidence following P-1962's testimony; Items to be submitted through P-1962

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the emails on the submission of evidence following the examination of P-1962 by the Yekatom Defence (*see attached* email from the Yekatom Defence, 30 June 2022, at 15:17) and the Prosecution, as well as the Yekatom Defence's objections thereto, and the Ngaïssona Defence's email in which it indicates it does not intend to submit any items through P-1962 (*see below* email from the Prosecution, 30 June 2022, at 16:44; email from the Yekatom Defence, 4 July 2022, at 11:46; *and attached* email from the Ngaïssona Defence, 30 June 2022, at 18:15).

At the outset, the Chamber notes that items CAR-OTP-2127-4504, CAR-OTP-2127-4593 and CAR-OTP-2087-9108 have already been recognised as submitted. As for CAR-OTP-2068-0077, the Chamber notes that it was recognised as submitted in its Rule 68(3) decision of 10 March 2021 in relation to P-1962 (ICC-01/14-01/18-907-Conf), subject to the fulfilment of the requirements under Rule 68(3) of the Rules. However, the item has in the meantime already been recognised as submitted through P-1521 (email from the Chamber, 7 June 2022, at 14:04). In light of the above, the Chamber need not rule on these items again.

As for item CAR-OTP-2001-6437, the Chamber notes that the Yekatom Defence objects to its submission on the basis that the Chamber rejected its submission in the past, given that it appears to be a duplicate of CAR-OTP-2001-2769, which was recognised as submitted (*see* Decision on the First Prosecution Submission Request from the Bar Table (Sexual and Gender Based Violence), 12 April 2022, ICC-01/14-01/18-1359, para. 22, p. 10; *see also* email from the Chamber, 14 June 2021, at 12:20). The Chamber also sees no reason to recognise CAR-OTP-2001-6437 at this point, and therefore rejects its submission in light of it being a duplicate of CAR-OTP-2001-2769.

In light of the above, and in the absence of any procedural bars, the Chamber recognises as formally submitted the following items:

| Doc ID | Title | Type |
|-------------------|---|------------------------|
| CAR-OTP-2058-0573 | Road to Genocide (The big picture behind conflict in the Central African Republic) | Audio / Video Material |
| CAR-OTP-2118-0420 | Transcript of Audio / Video Material / Road to Genocide (The big picture behind conflict in the Central African Republic) | Transcript |
| CAR-OTP-2130-1236 | Transcription de document audio/vidéo / Muslims Remain Trapped in C.A.R. Town | Transcript |
| CAR-OTP-2130-1370 | Traduction / Transcription de document audio/vidéo / | Translation - FRA |

| | | |
|-------------------|---|------------------------|
| | Muslims Remain Trapped in C.A.R. Town | |
| CAR-OTP-2042-3463 | Ext Kokaté 01 180314 Fr.mp3 | Audio / Video Material |
| CAR-OTP-2107-1526 | Transcription de document audio/vidéo / Ext Kokaté 01 180314 Fr.mp3 | Transcript |
| CAR-OTP-2023-2049 | CONF DE PRESSE CONSEILLER MOLOTO BODA.mpg | Audio / Video Material |
| CAR-OTP-2127-6298 | Traduction / CONF DE PRESSE CONSEILLER MOLOTO BODA.mpg | Translation - FRA |
| CAR-D29-0005-0392 | 23 mai 2014 Rapport de Mission Parlementaire | Report |
| CAR-OTP-2107-0003 | Centrafrique : L'accord ambigu de Boda | Media / press article |
| CAR-D29-0010-0042 | Photoboard | Photograph/s |

In addition, the Chamber confirms that the requirements of Rule 68(3) of the Rules have been met for the following items:

| Doc ID | Title | Type |
|-------------------|--|--|
| CAR-OTP-2068-0037 | WITNESS STATEMENT | ICC Statement - General |
| CAR-OTP-2104-0656 | Traduction d'élément de preuve / DÉCLARATION DE TÉMOIN / WITNESS STATEMENT | ICC Statement - Translation - FRA |
| CAR-OTP-2071-0003 | WITNESS STATEMENT | ICC Statement - General |
| CAR-OTP-2107-6808 | Traduction d'élément de preuve / DÉCLARATION DE TÉMOIN / WITNESS STATEMENT | ICC Statement - Translation - FRA |
| CAR-OTP-2135-3718 | Modifications d'élément de preuve faites par CAR-1962 (SR) | ICC Statement - General |
| CAR-OTP-2071-0093 | Annex C / P-1962 [REDACTED] | [REDACTED] |
| CAR-OTP-2068-0075 | Annex E - [REDACTED] | [REDACTED] |
| CAR-OTP-2066-5312 | Muslims under siege in Central African Republic | Audio / Video Material |
| CAR-OTP-2060-0795 | Muslims Remain Trapped in C.A.R. Town | Audio / Video Material |
| CAR-OTP-2068-0073 | Annex C / BODA SITUTAION ANALYSIS MAY 2014 | Map |
| CAR-OTP-2068-0079 | ANNEX G - [REDACTED] | Contract / Agreement |
| CAR-OTP-2068-0072 | Annex B - RENONCIATION AU DROIT D'ETRE ASSISTÉ(E) D'UN CONSEIL LORS D'UN ENTRETIEN | ICC Statement - Acknowledgement |
| CAR-OTP-2068-0080 | ANNEX H - [REDACTED] | Internal guidelines / instruction / orders |
| CAR-OTP-2068-0082 | ANNEX I | Photograph/s |

| | | |
|-------------------|--|---------------------------------|
| CAR-OTP-2068-0083 | ANNEX J | Photograph/s |
| CAR-OTP-2071-0021 | Annex A / RENONCIATION AU DROIT D'ETRE ASSISTÉ(E) D'UN CONSEIL LORS D'UN ENTRETIEN | ICC Statement - Acknowledgement |
| CAR-OTP-2071-0023 | Annex B / [REDACTED] | [REDACTED] |

With regard to the above, the Chamber also recalls its recognition as submitted of four items without ERN numbers in decision ICC-01/14-01/18-907-Conf (see paras 26, 28, p. 31), and the additional clarifications provided by the Prosecution in this regard (see ICC-01/14-01/18-946-Conf, para. 4).

The Chamber clarifies in this context that (i) the requirements of Rule 68(3) of the Rules have also been met in relation to CAR-OTP-2071-0023, listed above; (ii) it sees no need to recognise as submitted CAR-OTP-2068-0070, as it is an undisclosed audio recorded waiver of counsel, with the written signed waiver at CAR-OTP-2068-0072 having been recognised as submitted above; (iii) 'Annex D to CAR-OTP-2068-0037' is, according to the Prosecution, registered together with CAR-OTP-2068-0073 (at 0074), listed above; and (iv) 'Annex D to CAR-OTP-2071-0003' was, according to the Prosecution, not registered in 'Ringtail' and 'has since been deleted from the device used to take the photograph, and therefore cannot be retrieved'.

The Registry is directed to proceed in accordance with paragraph 63(v) of the Initial Directions, ICC-01/14-01/18-631.

Kind regards,

TC V

From: [REDACTED]
Sent: 04 July 2022 11:46
To: [REDACTED]; Trial Chamber V Communications [REDACTED]
 [REDACTED] >
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED] V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations <[REDACTED]> [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Prosecution Submission of evidence following the examination of P-1962

Dear Trial Chamber V,

The Yekatom Defence would oppose the formal submission of Item #3 (CAR-OTP-2001-6437), noting that the Chamber has previously denied its submission on the basis that it is a duplicate of CAR-OTP-2001-2769, itself already recognised as submitted (see, ICC-01/14-01/18-1359, para. 22).

The Defence does not oppose the formal submission of the remaining tendered documents.

Best regards,

[REDACTED] i
 Legal Assistant, Yekatom Defence

From: [REDACTED]
Sent: 30 June 2022 16:44
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]; OTP CAR IIB Case Management [REDACTED] <[REDACTED]> OTP CAR IIB Operations [REDACTED] [REDACTED] Associate Legal Officer-Court Officer [REDACTED]

Subject: Prosecution Submission of evidence following the examination of P-1962

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the *Initial Directions on the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Prosecution submits the documents listed below relating to the testimony of witness P-1962. Per paragraph 64 of the same *Directions*, the Prosecution seeks submission of the transcripts of audio-visual materials. The Prosecution requests that these documents be recognised as formally submitted.

- (i) Documents discussed with the witness during the course of his examination by the Prosecution (including the transcripts and translation of audio-visual materials):

| Count | Doc ID | WIT - Used through | Type | EVD - Date used |
|-------|-------------------|--------------------|------------------------|-----------------|
| 1 | CAR-OTP-2001-4633 | CAR-OTP-P-1962 | Media / press article | 24/06/2022 |
| 2 | CAR-OTP-2001-4818 | CAR-OTP-P-1962 | Media / press article | 27/06/2022 |
| 3 | CAR-OTP-2001-6437 | CAR-OTP-P-1962 | Report | 27/06/2022 |
| 4 | CAR-OTP-2001-6708 | CAR-OTP-P-1962 | Media / press article | 27/06/2022 |
| 5 | CAR-OTP-2042-3463 | CAR-OTP-P-1962 | Audio / Video Material | 27/06/2022 |
| 6 | CAR-OTP-2058-0573 | CAR-OTP-P-1962 | Audio / Video Material | 24/06/2022 |
| 7 | CAR-OTP-2064-1015 | CAR-OTP-P-1962 | Media / press article | 27/06/2022 |
| 8 | CAR-OTP-2107-1526 | CAR-OTP-P-1962 | Transcript | 27/06/2022 |
| 9 | CAR-OTP-2118-0420 | CAR-OTP-P-1962 | Transcript | 24/06/2022 |
| 10 | CAR-OTP-2127-4504 | CAR-OTP-P-1962 | Transcript | |
| 11 | CAR-OTP-2127-4593 | CAR-OTP-P-1962 | Translation - FRA | 24/06/2022 |
| 12 | CAR-OTP-2130-1236 | CAR-OTP-P-1962 | Transcript | |
| 13 | CAR-OTP-2130-1370 | CAR-OTP-P-1962 | Translation - FRA | 24/06/2022 |

- (ii) 17 items submitted under Rule 68(3) at the start of P-1962's testimony (ICC-01/14-01/18-0907-Conf, p. 12, para. 28; ICC-01/14-01/18-T-138-CONF-ENG RT, p. 77, l. 6-25) (including the corrections made by the witness to his Prior Statements, in the course of his familiarization (CAR-OTP-2135-3718)) :

| Count | Doc ID | WIT - Used through | Type | EVD - Date used |
|-------|-------------------|--------------------|---------------------------------|--------------------------|
| 1 | CAR-OTP-2060-0795 | CAR-OTP-P-1962 | Audio / Video Material | 24/06/2022 |
| 2 | CAR-OTP-2066-5312 | CAR-OTP-P-1962 | Audio / Video Material | 24/06/2022 |
| 3 | CAR-OTP-2068-0037 | CAR-OTP-P-1962 | ICC Statement - General | 24/06/2022 27/06/2022 |
| 4 | CAR-OTP-2068-0072 | CAR-OTP-P-1962 | ICC Statement - Acknowledgement | |
| 5 | CAR-OTP-2068-0073 | CAR-OTP-P-1962 | Map | 24/06/2022 |
| 6 | CAR-OTP-2068-0075 | CAR-OTP-P-1962 | [REDACTED] | 24/06/2022 |

| | | | | |
|----|-------------------|----------------|--|--------------------------|
| 7 | CAR-OTP-2068-0077 | CAR-OTP-P-1962 | Internal guidelines / instruction / orders | 27/06/2022 |
| 8 | CAR-OTP-2068-0079 | CAR-OTP-P-1962 | Contract / Agreement | |
| 9 | CAR-OTP-2068-0080 | CAR-OTP-P-1962 | Internal guidelines / instruction / orders | |
| 10 | CAR-OTP-2068-0082 | CAR-OTP-P-1962 | Photograph/s | |
| 11 | CAR-OTP-2068-0083 | CAR-OTP-P-1962 | Photograph/s | |
| 12 | CAR-OTP-2071-0003 | CAR-OTP-P-1962 | ICC Statement - General | 24/06/2022 27/06/2022 |
| 13 | CAR-OTP-2071-0021 | CAR-OTP-P-1962 | ICC Statement - Acknowledgement | |
| 14 | CAR-OTP-2071-0093 | CAR-OTP-P-1962 | ██████████ | 24/06/2022 27/06/2022 |
| 15 | CAR-OTP-2104-0656 | CAR-OTP-P-1962 | ICC Statement - Translation - FRA | 24/06/2022 27/06/2022 |
| 16 | CAR-OTP-2107-6808 | CAR-OTP-P-1962 | ICC Statement - Translation - FRA | 24/06/2022 27/06/2022 |
| 17 | CAR-OTP-2135-3718 | CAR-OTP-P-1962 | ICC Statement - General | 24/06/2022 |

(iii) The Prosecution seeks to submit the following item used during the course of NGAISSONA's cross-examination of witness P-1962, to the extent that this item is not submitted by the NGAISSONA Defence :

| Count | Doc ID | WIT - Used through | Type | EVD - Date |
|-------|-------------------|--------------------|--|------------|
| 1 | CAR-OTP-2087-9108 | CAR-OTP-P-1962 | Internal guidelines / instruction / orders | 27/06/2022 |

Kind regards,

On behalf of OTP Trial Team

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From: [REDACTED]
Sent: 30 June 2022 15:17
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; D29 Yekatom Defence Team; Associate Legal Officer-Court Officer; [REDACTED]
Subject: Yekatom Defence Submission of evidence following P-1962's testimony

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the *Initial Directions of the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Yekatom Defence requests the formal submission of the following items used during P-1962's testimony :

| Count | ERN | Title | Confidentiality Level | EVD – Date Used | WIT – Used Through |
|-------|-------------------|--|-----------------------|-----------------|--------------------|
| 1 | CAR-OTP-2107-0003 | Media Article : « Centrafrique : L'accord ambigu de Boda » | Public | 28/06/2022 | CAR-OTP-P-1962 |
| 2 | CAR-OTP-2023-2049 | CONF DE PRESSE CONSEILLER MOLOTO BODA.mpg | Public | 28/06/2022 | CAR-OTP-P-1962 |
| 3 | CAR-OTP-2127-6298 | Traduction / CONF DE PRESSE CONSEILLER MOLOTO BODA.mpg | Public | 28/06/2022 | CAR-OTP-P-1962 |
| 4 | CAR-D29-0005-0392 | 23 mai 2014 Rapport de Mission Parlementaire | Confidential | 28/06/2022 | CAR-OTP-P-1962 |
| 5 | CAR-D29-0010-0042 | Photoboard | Confidential | 29/06/2022 | CAR-OTP-P-1962 |

Kind regards,

[REDACTED]
On behalf of the Yekatom Defence

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vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.

[REDACTED]

From: [REDACTED]
Sent: 30 June 2022 18:15
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; D29 Yekatom Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Prosecution Team; OTP CAR IIB Operations; OTP CAR IIB Managers; V44 LRV Team OPCV; V45 LRV Team; V44 LRV Team; Associate Legal Officer-Court Officer; [REDACTED]
Subject: Items to be submitted through P-1962

Dear Trial Chamber V,

On behalf of the Ngaissona Defence team, I wish to inform you that we do not intend to submit any items through P-1962.

Sincerely,

[REDACTED]

[REDACTED]
[REDACTED]
Case Manager – Ngaissona Defence Team
International Criminal Court (ICC)
[REDACTED]
www.icc-cpi.int

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