

ANNEX 1
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 12 October 2023 15:03
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; 'V44 LRV Team'; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Submitted Materials for P-2018
Attachments: Prosecution Submission of evidence following the examination of P-2018; RE: Prosecution Submission of evidence following the examination of P-2018; RE: Prosecution Submission of evidence following the examination of P-2018 [5].msg

Follow Up Flag: Follow up
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[ICC] RESTRICTED

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the emails on the submission of evidence following the examination of P-2018 by the Prosecution and the Yekatom Defence, as well as their respective objections and responses thereto (*see emails below and attached*).

At the outset, the Chamber notes that items CAR-D29-0013-0140, CAR-D29-0018-0002, CAR-D29-0019-0068, CAR-OTP-00001073 and CAR-OTP-00000144 have already been recognised as submitted. It therefore need not rule on these items again.

With regard to **CAR-OTP-2115-0369**, the Chamber notes that the Yekatom Defence objects to its submission, notably, on the basis that (i) the Excel version of the item had been provided by the Prosecution only three days before the start of P-2018's examination; and (ii) a number of information going to the reliability and/or provenance of the document were missing from the PDF version of this document. The Chamber also takes note of the fact that the Yekatom Defence shortly thereafter filed a motion for finding of disclosure violation, in which it requested, *inter alia*, that the Chamber reject the Prosecution's request for formal submission of the item (*see ICC-01/14-01/18-1852-Conf*). The Chamber recalls that it found that the Prosecution violated its disclosure obligations in respect of **CAR-OTP-2115-0369**, and that the prejudice caused to the Yekatom Defence was limited, noting that it latter extensively examined P-2018 [REDACTED] – on the contents of its original version. The Chamber also rejected, without prejudice, the Yekatom Defence's request to deny the formal submission of this item (*see ICC-01/14-01/18-1896-Conf*).

In the context of the submission of **CAR-OTP-2115-0369**, the Chamber considers that the Yekatom Defence's arguments rather concern the probative value of the item, which will be considered during the deliberation of the judgment. The Chamber therefore recognises it as submitted (both in its original Excel and PDF version).

With regard to items **CAR-D29-0007-0036**, **CAR-D29-0007-0039**, **CAR-D29-0007-0041**, **CAR-D29-0007-0043** and **CAR-D29-0007-0047**, the Chamber notes that the Prosecution objects to their submission on the basis, *inter alia*, that they were not used with P-2018. The Chamber notes that these items – which consist of requests for assistance sent by the Yekatom Defence to [REDACTED] and the latter's response thereto – were indeed not shown to or used with the witness. Rather, these documents were mentioned 'for the record' to explain to the Chamber the reasons why the Yekatom Defence was unsuccessful in trying to obtain certain documentation and information from [REDACTED]. Furthermore, the Chamber considers that, while it previously recognised as submitted a 'similar request for assistance directed to [REDACTED]' following the examination of P-1339 (*see email from the Chamber, 21 March 2023, at 16:21*), as noted by the Yekatom Defence, the circumstances are different. During the examination of P-1339, item CAR-D29-

0007-0035 was actually shown to and used with the witness (*see* T-157-CONF-ENG, p. 63, line 13 to p. 66, line 22). For this reason, the Chamber rejects the submission of these items through P-2018.

With regard to item **CAR-D29-0007-0186**, the Chamber notes that the Prosecution objects to its submission, on the basis that the witness ‘did not provide any meaningful testimony regarding this document’, and that he ‘[i]nstead [deferred] on the matter to those responsible’. The Chamber notes that while P-2018 did suggest that he might not be the best placed to provide an answer, he nonetheless commented on a document which was shown to him. In this regard, the Chamber considers that the Prosecution’s submissions concern the potential probative weight of this item, which will ultimately be assessed during the deliberation of the judgment. The Chamber therefore recognises it as submitted.

With regard to items **CAR-D29-0010-0020**, **CAR-D29-0013-0121** and **CAR-D29-0014-0073**, the Chamber notes that the Prosecution objects to their submission, on the basis that (i) P-2018 did not provide any meaningful testimony regarding these documents; and (ii) submission *via* a written application would be more appropriate, so that the Prosecution ‘has the opportunity to address their relevance and probative value more fully’. The Chamber notes that these items were indeed not shown to or used with the witness. Rather, they were mentioned ‘for the record’ to draw the Chamber’s attention to the alleged lack of authenticity of another document (CAR-OTP-2114-0192) which was previously shown to the witness (*see* T-225-CONF-ENG, p. 53, line 10 to p. 55, line 5). The Chamber therefore rejects the submission of these items, without prejudice to any further written application.

With regard to items **CAR-D29-0013-0057**, **CAR-D29-0013-0061**, **CAR-D29-0013-0066**, **CAR-D29-0013-0105**, **CAR-D29-0013-0111** and **CAR-D29-0013-0140**, which consist of various [REDACTED], the Chamber notes that the Prosecution objects to their submission, on the basis that P-2018 ‘did not provide any meaningful testimony regarding [REDACTED] listed therein’, and that a written application would allow for ‘a clearer understanding of the conditions of their provenance’. In relation to **CAR-D29-0013-0140**, the Chamber recalls that it has already been recognised as submitted (*see* email from the Chamber, 1 June 2023, at 10:28). As to the rest of the items, the Chamber notes that they were used with the witness to confront him with information contained in **CAR-OTP-2115-0369** (*see* T-226-CONF-ENG, p. 22, line 16 to p. 25, line 9). The Chamber is of the view that the Prosecution’s submissions on the lack of ‘meaningful testimony’ by the witness concern the probative value of these items, which will be assessed during the deliberation of the judgment. It also sees no other reason why these items may not be submitted through P-2018, rather than a written application. The Chamber therefore recognises them as submitted.

Lastly, with regard to items **CAR-D29-0010-0139**, **CAR-D29-0016-0109**, **CAR-D29-0016-0125**, **CAR-D29-0016-0130**, **CAR-D29-0016-0132**, **CAR-D29-0018-0002**, **CAR-D29-0019-0048**, **CAR-D29-0019-0068**, **CAR-D29-0019-0075**, **CAR-D29-0019-0126**, **CAR-D29-0019-0137**, **CAR-D29-0019-0448**, **CAR-D29-0019-0493**, **CAR-D29-0019-0736**, **CAR-D29-0019-5963**, **CAR-D29-0019-7173**, **CAR-D29-0021-3212** and **CAR-OTP-00000144**, the Chamber notes that the Prosecution objects to their submission, on the basis that they should be submitted through a written application, following the Chamber’s previous guidance related to Facebook material. In relation to **CAR-D29-0018-0002**, **CAR-D29-0019-0068** and **CAR-OTP-00000144**, the Chamber recalls that they have already been recognised as submitted. As to the rest of items, the Chamber clarifies that the mere fact that an item consists of Facebook material does not necessarily mean that it should be submitted through a written application. As the Yekatom Defence points out, the previous decisions mentioned by the Prosecution are not applicable here. In this particular instance, the Chamber indeed notes the extent to which the items were used with the witness, notably the fact that they are limited in nature and scope, and that they were used in their entirety. The Chamber therefore recognises these items as submitted.

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-2071-0277	Annex 1 / [REDACTED] [REDACTED]	Administrative and travel related documents
CAR-OTP-2071-0282	Annex 4	List / table
CAR-OTP-2071-0302	Annex 8	Notes (other)
CAR-OTP-2071-0278	Annex 2 / [REDACTED] [REDACTED]	Administrative and travel related documents

	██████████ ██████████	
CAR-OTP-2071-0298	Annex 7	Legislation / government instruction/guidelines
CAR-OTP-2071-0309	Annex 11	List / table
CAR-OTP-2115-0369	Base de donnees ██████████.xlsx	List / table
CAR-OTP-2071-0307	Annex 9 / LOBAYE	Map
CAR-D29-0007-0184	Lettre de la Direction générale de la Caisse Nationale de Sécurité Sociale	Correspondence (letter)
CAR-D29-0007-0186	Lettre de l'agence centrafricaine pour la formation professionnelle et l'emploi	Correspondence - Letter
CAR-D29-0007-0190	Fwd: International Criminal Court - Request for cooperation from the Defence of Mr. Alfred Rombhot Yekatom	Correspondence - Letter
CAR-D29-0014-0086	Tableaux de comparaison des rapports ██████████ ██████████	Notes (other)
CAR-D29-0014-0088	Tableaux comparatifs de la « ██████████ ██████████ » (CAR-OTP-2071-0279) et de la « ██████████ ██████████ » (CAR-OTP-2115-0369)	Notes (other)
CAR-OTP-00000827	Pic ██████████.pdf	Photograph/s
CAR-D29-0010-0140	Photograph of ██████████ ██████████	Photograph
CAR-D29-0013-0061	Mairie de MONGOUMBA - ██████████ ██████████ ██████████ ██████████	Certificate
CAR-D29-0013-0066	Mairie MBATA - ██████████ ██████████ ██████████	Certificate
CAR-D29-0013-0105	██████████ ██████████ ██████████	Certificate
CAR-D29-0013-0111	██████████ ██████████ ██████████	Certificate
CAR-D29-0013-0057	Mairie de MONGOUMBA - ██████████ ██████████ ██████████ ██████████	Certificate
CAR-D29-0019-0075	100017968660046 - Pages 75 - 92	Communication - E-message
CAR-OTP-2135-4186	INVESTIGATION REPORT / Disclosable information regarding CAR-OTP-P-2428 following Defence request	ICC Investigation notes / report / correspondence
CAR-D29-0016-0109	Facebook Screenshot - ██████████ ██████████	Communication - E-message
CAR-D29-0016-0125	Screenshot Facebook - ██████████ ██████████	Communication - E-message
CAR-D29-0021-3212	100057368964818 - pages 3212-3218	Communication - E-message
CAR-OTP-00001381	VPRS\Implementation of ICC-01/14-01/18-1828-Conf	Communication - E-mail
CAR-D29-0010-0139	Photograph	Photograph
CAR-D29-0016-0130	Screenshot Facebook - ██████████ ██████████	Communication - E-message
CAR-D29-0019-0048	100017968660046 - pages 48-49	Communication - E-message
CAR-D29-0016-0132	Screenshot Facebook - ██████████ ██████████	Communication - E-message

CAR-D29-0019-0126	100017968660046 - pages 126-127	Communication - E-message
CAR-D29-0019-0137	100017968660046 - pages 137-139	Communication - E-message
CAR-D29-0019-7173	100077553978823 - pages 1-9	Communication - E-message
CAR-D29-0019-5963	100017968660046 - pages 1343 - 1346	Communication - E-message
CAR-D29-0019-0493	100058563787263 - pages 52-53	Communication - E-message
CAR-D29-0019-0736	100058563787263 - page 295	Communication - E-message
CAR-D29-0019-0448	100057368964818 - pages 3212-3218	Communication - E-message
CAR-D29-0008-0021	Audio fichier 680989226408228	Audio / Video Material
CAR-D29-0006-1339	Transcription du fichier 680989226408228	Transcript
CAR-D29-0004-3899	CST - 72138393 - 72710376	Call Data Records (CDR)
CAR-OTP-2135-4188	INVESTIGATION REPORT / Disclosable information regarding CAR-OTP-P-2580 following Defence request	ICC Investigation notes / report / correspondence
CAR-D29-0014-0148	Table of contacts between OTP or [REDACTED] (November 2021 to June 2022)	Notes (other)
CAR-D29-0013-0145	Attestation de reconnaissance de [REDACTED] - Page 2410 de CAR-OTP-2135-2405-R02	Certificate
CAR-D29-0013-0146	Déclaration relative à l'identité de [REDACTED] - Page 2416 CAR-OTP-2135-2412-R02	Certificate

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: 02 May 2023 18:30
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED]
OTP CAR IIB [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
[REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED]
[REDACTED]; V45 LRV Team [REDACTED]; D29 Yekatom Defence Team
[REDACTED]
Subject: RE: Yekatom Defence submission of evidence following the examination of P-2018

[ICC] RESTRICTED

Dear Trial Chamber V,

In accordance with paragraph 63(iii) of the Initial Directions of the Conduct of the Proceedings (ICC-01/14-01/18-631), the Defence for Mr. Yekatom ("Defence") hereby responds to the Prosecution's objection to the formal submission of material through Prosecution witness P-2018.

Items 1-5

The Prosecution's objection to the formal submission of CAR-D29-0007-0036-R01, CAR-D29-0007-0039, CAR-D29-0007-0041, CAR-D29-0007-0043 and CAR-D29-0007-0047 should be rejected.

Firstly, the Defence letters containing pin down requests for information which, if communicated, would have either corroborated or contradicted assertion made by P-2018. Also, the Response of ██████ to the letters whereby they do not confirm to be in possession of any of the requested documents or information tend to prove that either 1) ██████ does not have part or all of the requested documents and information thereby raising doubts and contradictions with P-2018's testimony and/or 2) ██████ does not wish to confirm which documents are in their possession, let alone disclose them.

Secondly, the Defence Letters as well as the ██████ Response are relevant to P-2018's testimony. The Prosecution during his examination of P-2018 elicited information regarding the ██████ and the central role that P-2018 played in that ██████ (see notably T-222-CONF-FRA ET [10:27:19] to [10:34:26]). He also alleges having been himself in contact with at least ██████ (see notably T-222-CONF-FRA ET [10:28:55]). It is also the Prosecution himself that elicited the response from the witness that ██████ (T-222-CONF-FRA ET [12:59:35]).

Thirdly, the witness during the Defence examination again referred to those ██████ (see notably T-223-CONF-FRA [12:48:16]). The Defence, in all transparency, to the attention of the witness and the Chamber explained its investigative steps in an attempt to obtain ██████ and P-2018, and the infructuous response received by ██████ (T-223-CONF-FRA ET [12:54:47]). It was therefore in all knowledge of those steps that the witness maintained that the ██████ could be retrieve by asking ██████ (T-225-CONF-FRA ET [12:02:47]).

Fourthly, the Defence notes that the Chamber previously accepted the submission of similar request of assistance directed to ██████ (See Decision on Submitted Materials for P-1339 dated 21 March 2023 16:21 for items CAR-D29-0007-0033 & CAR-D29-0007-0035).

Item 7

The Prosecution's objection to the formal submission of CAR-D29-0007-0186 should be rejected.

Although the witness indicated that other within ██████ would be better placed to comment on the document, P-2018 told the Chamber he was ██████ (see T-222-CONF-FRA [09:50:57]). P-2018 also had an ██████ (T-222-CONF-FRA [09:45:16]). He was at a level within the organisation whereby he could be expected to have information ██████, ██████ and more particularly his own. He was invited to comment on the document.

Items 11, 13-14

The Defence submits that the argument raised by the Prosecution both in court and through its response that André MBADELA, ██████ (CAR-OTP-2114-0192) in its capacity of "████████████████████", is a different person than André MBADELA, mayor of the PLADAMA OUAKA from 1960 to 1995 who died on 5 August 1995 as indicated in the three items submitted by the Defence is vain. If the Prosecution theory is to sustain that Mr MBADELA, Mayor of the PLADAMA OUAKA who died on 1995 ██████ who also worked as an "████████████████████", it has all the liberty to bring the evidence that would support it.

The Defence also adds that the Prosecution already addressed parts of its arguments on the relevance and probative value of the documents in Court (T-225-CONF-FRA ET at pp 55-56) and could have elaborated further in its response by email for the Chamber to take it into consideration as part of its holistic evaluation of the evidence in the case.

Items 20-25

The Prosecution's objection to the formal submission of CAR-D29-0013-0057, CAR-D29-0013-0061, CAR-D29-0013-0066, CAR-D29-0013-0105, CAR-D29-0013-0111, CAR-D29-0013-0140 should be rejected.

First, the Prosecution elicited information on [REDACTED] said by the witness to have participated [REDACTED] (see for example T-222-CONF-FRA [12:39:49]), the Prosecution is further tendering lists (CAR-OTP-2071-0279, CAR-OTP-2115-0369) [REDACTED] P-2018 with [REDACTED]. Having done so, it is only natural that the Defence present documentary evidence which goes to contradict such general assertions made by P-2018 and [REDACTED] listed in the documents [REDACTED] the Prosecution. Indeed the issue of [REDACTED] is at the very core of [REDACTED] for which the witness has been specifically called by the Prosecution. Those documents were also used by the Defence to contradict and test the witness' evidence regarding his assertion that no [REDACTED] (T-224-CONF-FRA, [15:22:49]).

Second, P-2018 first testified that [REDACTED] [REDACTED] were in possession of documentary evidence on their [REDACTED] (T-224-CONF-FRA [09:43] and [14:34:12]). It was therefore appropriate and relevant to show him [REDACTED] to ask him if [REDACTED] were among those who had shown such documents. It's only once confronted with various [REDACTED] that his testimony started to evolve to a blanket answer that [REDACTED] (T-226-FRA RT [10:18:35]).

Thirdly, the Defence gave the possibility to P-2018, as much as permitted by the Chamber, to comment on [REDACTED], more particularly if it triggered his memory as to the fact that there were either errors within [REDACTED] and/or whether his own recollection of [REDACTED] could be erroneous (see for example T-225-CONF-FRA ET [12:40:10] and T-226-FRA RT [10:21:35]).

Fourthly, the Prosecution's opposition to the formal submission of [REDACTED] on the basis that P-2018 provided 'no meaningful testimony' thereon is curious to say the least. In the past, the Prosecution has (successfully) formally submitted documents via its witnesses where the same arguably applied – for instance CAR-OTP-2084-1263 & CAR-OTP-2107-1565, successfully tendered through P-2251 (see Email from Defence of 10 June 2021 at 17:52). In that instance, the Prosecution sought dismissal of Defence objections, notably arguing that 'The YEKATOM Defence's objections confuse the submission and admission regimes. The contention that the Prosecution must establish the full relevance and probative value of each time it seeks to submit a piece of evidence through any witness is contrary to the basic premise of formal submission.' (see, Email from Prosecution of 11 June 2021 at 14:41). The Prosecution's apparent change of heart notwithstanding, pursuant to the equality of arms, the Prosecution's objections should be dismissed.

Items 18, 26-41, 46

The Prosecution's objection to the formal submission of CAR-D29-0010-0139, CAR-D29-0016-0109, CAR-D29-0016-0125, CAR-D29-0016-0130, CAR-D29-0016-0132, CAR-D29-0018-0002, CAR-D29-0019-0048, CAR-D29-0019-0068, CAR-D29-0019-0075, CAR-D29-0019-0126, CAR-D29-0019-0137, CAR-D29-0019-0448, CAR-D29-0019-0493, CAR-D29-0019-0736, CAR-D29-0019-5963, CAR-D29-0019-7173, CAR-D29-0021-3212 should be rejected.

Indeed, the Prosecution relies on the Chamber's previous decisions on the submission of Facebook material, yet applies it erroneously to the present submission request. Indeed, the Chamber rejected the submission of Facebook material through a witness due to their "nature and scope" when it was not satisfied of the of "the extent to which they were used during [a witness' questioning]". To the extent that the Facebook material concerned by the present submission request are concise and were discussed in their entirety with the witness (see T-225-CONF-FRA [12:47:25] and T-226-CONF-FRA [14:18:24] to [15:12:22]), the objection of the Prosecution should be rejected. This Facebook material is similar to ones previously submitted as the

Chamber deemed that “the pages in question contain a post that can be read and understood without requiring the item in its entirety for context” (See Decision on Submitted Materials for P-2049 dated 23 August 2022 08:32)

Kind regards,

████████████████████
Yekatom Defence

De : OTP CAR IIB ██████████

Envoyé : 1 mai 2023 17:39

À : ██████████ Trial Chamber V Communications ██████████

Cc : OTP CAR IIB ██████████; D30 Ngaissona Defence Team

<██████████> Associate Legal Officer-Court Officer ██████████

██████████; V44 LRV Team ██████████; V44 LRV Team OPCV ██████████

██████████ V45 LRV Team ██████████; D29 Yekatom Defence Team

██████████

Objet : RE: Yekatom Defence submission of evidence following the examination of P-2018

[ICC] RESTRICTED

Dear Trial Chamber V,

Dear All,

The Prosecution opposes the formal submission of several documents tendered by the YEKATOM Defence for the reasons below:

Items 1-5 - letters which the Defence addressed to ██████████ for cooperation purposes : *First*, these items are not evidentiary – they are not probative of any issue in the case in the sense that they either tend to prove or disprove any fact relevant. *Second*, the Defence’s cooperation letters to ██████████ are unrelated to P-2018’s ██████████ or the content of his testimony. *Third*, the letters were not used with P-2018. P-2018 confirmed that P-1974 was ██████████, but he did not know with whom (T-223-CONF-FRA ET, at 62:18-62:25) – the items do not speak to this issue. Simply reading information irrelevant to a witness’s testimony and which they cannot reasonably comment on (P-2018 was asked nothing further about the items (T-223-CONF-FRA ET, at 62:26-63:23)) fails to satisfy even the minimal threshold for formal submission.

Item 7 - letter from the ACFPE: P-2018 did not provide any meaningful testimony regarding this document. Instead he deferred on the matter to those responsible ██████████. (T-223-CONF-FRA ET, at 79:23-79:27 : « Bon, je crois que cette question, ça, c'est peut-être au responsable de l'organisation qui pourrait, n'est-ce pas, mieux placé de nous fournir... Parce que, ce que je sais : ██████████ de ACFPE, mais ça m'étonne ; ça, c'est en 2000... 2000... ça, c'est 2020. Ça, je ne sais pas, peut-être si c'est au responsable de l'organisation qui pourrait apporter un éclaircissement). The document has no independent evidentiary value.

Items 11, 13-14 - photographs regarding the death of André MBADELA, mayor of commune Pladama OUKA : *First*, P-2018 did not provide any meaningful testimony regarding these documents. On the contrary, P-2018’s testimony is that he did not know M. MBADELA or anything about the documents presented. (T-225-CONF-FRA ET, at 55:7-55:14) *Second*, should the Defence want to use these documents, submitting them through a bar table would be more appropriate so that the Prosecution has the opportunity to address their relevance and probative value more fully, including as regards the identity of André MBADELA indicated as ██████████ (“██████████”) ██████████) ██████████ CAR-OTP-2114-0192. It is not a foregone conclusion that this individual is the same person who was previously mayor of PLADAMA-OUKA.

Items 20-25 - [REDACTED] various individuals: P-2018 did not provide any meaningful testimony regarding the [REDACTED] therein, given his reliance on the [REDACTED] provided by the leadership of the Anti-Balaka, information provided by [REDACTED] (T-226-CONF-FRA ET, at 25:11-25:17). Alternatively, the Prosecution requests that the documents be submitted from the bar table, which would allow for a clearer understanding of the conditions of their provenance, particularly, the date and manner of their issuance and, in some instances, the chain of custody (e.g. for CAR-D29-0013-0111, where information on the person providing the document is redacted).

Items 18, 26-41, 46 - representing Facebook [REDACTED] or snapshots taken from various Facebook accounts: In accordance with the Chamber's previous guidance related to Facebook material (see Decisions on submitted materials for P-2841, P-2027, and 2673, emails from TCV, 2 July 2021, at 14:07; 19 July 2021, at 11:37; and 27 August 2021, at 08:10, respectively), the Prosecution requests that these items be submitted from the bar table.

Kind regards,
On behalf of the OTP Trial Team

From: [REDACTED]
Sent: 25 April 2023 18:38
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
 Associate Legal Officer-Court Officer [REDACTED]; V44 LRV Team
 [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team
 <[REDACTED]>; D29 Yekatom Defence Team [REDACTED]
Subject: Yekatom Defence submission of evidence following the examination of P-2018

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-2018's testimony:

Count	Document ID	Title	Document Type	WIT - Used Through	WIT - Used By
1.	CAR-D29-0007-0036-R01	ARY-2019-0086 Demande de coopération auprès d'[REDACTED]	Correspondence (letter)	CAR-OTP-P-2018	D29
2.	CAR-D29-0007-0039	ARY-2019-0086-1 Lettre de coopération auprès d'[REDACTED]	Correspondence (letter)	CAR-OTP-P-2018	D29
3.	CAR-D29-0007-0041	ARY-2019-0086-2 Demande de coopération auprès d'[REDACTED]	Correspondence (letter)	CAR-OTP-P-2018	D29
4.	CAR-D29-0007-0043	ARY-2019-0086-3 Demande de coopération auprès d'[REDACTED]	Correspondence (letter)	CAR-OTP-P-2018	D29
5.	CAR-D29-0007-0047	Lettre d'[REDACTED] en réponse à des demandes de coopération	Correspondence (letter)	CAR-OTP-P-2018	D29
6.	CAR-D29-0007-0184	Lettre de la Direction générale de la Caisse Nationale de Sécurité Sociale	Correspondence (letter)	CAR-OTP-P-2018	D29
7.	CAR-D29-0007-0186	Lettre de l'agence centrafricaine pour la formation professionnelle et l'emploi	Correspondence (letter)	CAR-OTP-P-2018	D29

8.	CAR-D29-0007-0190	Fwd: International Criminal Court - Request for cooperation from the Defence of Mr. Alfred Rombhot Yekatom	Correspondence (letter)	CAR-OTP-P-2018	D29
9.	CAR-D29-0014-0086	Tableaux de comparaison des rapports de [REDACTED]	Notes (other)	CAR-OTP-P-2018	D29
10.	CAR-D29-0014-0088	Tableaux comparatifs de la « [REDACTED] » (CAR-OTP-2071-0279) et de la « [REDACTED] » (CAR-OTP-2115-0369)	Notes (other)	CAR-OTP-P-2018	D29
11.	CAR-D29-0010-0020	Plaque mortuaire de MBADELA Andre	Photograph/s	CAR-OTP-P-2018	D29
12.	CAR-D29-0010-0136	Photograph of [REDACTED]	Photograph/s	CAR-OTP-P-2018	D29
13.	CAR-D29-0013-0121	Certificat de décès de Andre MBADELA	Certificate	CAR-OTP-P-2018	D29
14.	CAR-D29-0014-0073	Chronologie des Maires et Presidents des Delegations Speciales de la mairie de PLADAMA OUAKA	List / table	CAR-OTP-P-2018	D29
15.	CAR-D29-0004-3899	CST - 72138393 - 72710376	Call Data Records (CDR)	CAR-OTP-P-2018	D29
16.	CAR-D29-0006-1339	Transcription du fichier 680989226408228	Transcript	CAR-OTP-P-2018	D29
17.	CAR-D29-0008-0021	Audio fichier 680989226408228	Audio / Video Material	CAR-OTP-P-2018	D29
18.	CAR-D29-0010-0139	Photograph	Photograph	CAR-OTP-P-2018	D29
19.	CAR-D29-0010-0140	Photograph of [REDACTED]	Photograph	CAR-OTP-P-2018	D29
20.	CAR-D29-0013-0057	Mairie de MONGOUMBA - [REDACTED]	Certificate	CAR-OTP-P-2018	D29
21.	CAR-D29-0013-0061	Mairie de MONGOUMBA - [REDACTED]	Certificate	CAR-OTP-P-2018	D29
22.	CAR-D29-0013-0066	Mairie MBATA - [REDACTED]	Certificate	CAR-OTP-P-2018	D29
23.	CAR-D29-0013-0105	[REDACTED]	Certificate	CAR-OTP-P-2018	D29
24.	CAR-D29-0013-0111	[REDACTED]	Certificate	CAR-OTP-P-2018	D29
25.	CAR-D29-0013-0140	[REDACTED] n.086/03	Certificate	CAR-OTP-P-2018	D29
26.	CAR-D29-0016-0109	Facebook Screenshot - [REDACTED]	Communication - E-message	CAR-OTP-P-2018	D29
27.	CAR-D29-0016-0125	Screenshot Facebook - [REDACTED]	Communication - E-message	CAR-OTP-P-2018	D29
28.	CAR-D29-0016-0130	Screenshot Facebook - [REDACTED]	Communication - E-message	CAR-OTP-P-2018	D29
29.	CAR-D29-0016-0132	Screenshot Facebook - [REDACTED]	Communication - E-message	CAR-OTP-P-2018	D29
30.	CAR-D29-0018-0002	Metadata with Facebook Account Identifier 100017968660046	Metadata	CAR-OTP-P-2018	D29

31.	CAR-D29-0019-0048	100017968660046 - pages 48-49	Communication - E-message	CAR-OTP-P-2018	D29
32.	CAR-D29-0019-0068	100017968660046 - pages 68 - 70	Communication - E-message	CAR-OTP-P-2018	D29
33.	CAR-D29-0019-0075	100017968660046 - Pages 75 - 92	Communication - E-message	CAR-OTP-P-2018	D29
34.	CAR-D29-0019-0126	100017968660046 - pages 126-127	Communication - E-message	CAR-OTP-P-2018	D29
35.	CAR-D29-0019-0137	100017968660046 - pages 137-139	Communication - E-message	CAR-OTP-P-2018	D29
36.	CAR-D29-0019-0448	100058563787263 - page 7	Communication - E-message	CAR-OTP-P-2018	D29
37.	CAR-D29-0019-0493	100058563787263 - pages 52-53	Communication - E-message	CAR-OTP-P-2018	D29
38.	CAR-D29-0019-0736	100058563787263 - page 295	Communication - E-message	CAR-OTP-P-2018	D29
39.	CAR-D29-0019-5963	100017968660046 - pages 1343 - 1346	Communication - E-message	CAR-OTP-P-2018	D29
40.	CAR-D29-0019-7173	100077553978823 - pages 1-9	Communication - E-message	CAR-OTP-P-2018	D29
41.	CAR-D29-0021-3212	100057368964818 - pages 3212-3218	Communication - E-message	CAR-OTP-P-2018	D29
42.	CAR-D29-0014-0148	Table of contacts between OTP or ██████████ (November 2021 to June 2022)	Notes (other)	CAR-OTP-P-2018	D29
43.	CAR-D29-0013-0145	Attestation de reconnaissance de ██████████ - Page 2410 de CAR-OTP-2135-2405-R02	Certificate	CAR-OTP-P-2018	D29
44.	CAR-D29-0013-0146	Déclaration relative à l'identité de ██████████ - Page 2416 CAR-OTP-2135-2412-R02	Certificate	CAR-OTP-P-2018	D29
45.	CAR-OTP-00000827	Pic P-2476.pdf	Photograph/s	CAR-OTP-P-2018	D29
46.	CAR-OTP-00000144	Facebook Messenger Messages (Warrant Return)-17_05_2022 19_58_36.pdf	Communication - E-message	CAR-OTP-P-2018	D29
47.	CAR-OTP-00001073	Identifying information in Registry's possession pertaining to ██████████	Report	CAR-OTP-P-2018	D29
48.	CAR-OTP-00001381-R01	VPRS\Implementation of ICC-01/14-01/18-1828-Conf	Communication - E-mail	CAR-OTP-P-2018	D29
49.	CAR-OTP-2135-4186-R01	INVESTIGATION REPORT / Disclosable information regarding CAR-OTP-P-2428 following Defence request	ICC Investigation notes / report / correspondence	CAR-OTP-P-2018	D29
50.	CAR-OTP-2135-4188-R01	INVESTIGATION REPORT / Disclosable information regarding CAR-OTP-P-2580 following Defence request	ICC Investigation notes / report / correspondence	CAR-OTP-P-2018	D29

Best regards,

██████████
Legal Consultant, Yekatom Defence

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From: OTP CAR IIB
Sent: 01 May 2023 19:08
To: [REDACTED]; OTP CAR IIB; Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; [REDACTED] Associate Legal Officer-Court Officer; [REDACTED]
Subject: RE: Prosecution Submission of evidence following the examination of P-2018
Categories: Orange category

[ICC] RESTRICTED

Dear Trial Chamber V,
Dear All,

The YEKATOM Defence's opposition to the tender of CAR-OTP-2115-0369 should be summarily rejected. The Prosecution will address the substance of the Defence's Request more fully in formal response. With that said, it bears noting that, contrary to the Defence's assertions, there is no procedural bar to the submission of this item.

First, the differences between the PDF and Excel versions of the document (a) are not exculpatory in nature; (b) do not affect P-2018's credibility, who testified that the [REDACTED] (T-223-CONF-FRA ET, at 20:15-21:6 ; T-224-CONF-FRA ET, at 71:17-73:1, at 74:2-74:22 ; T-226-CONF-FRA ET, at 59:21-61:6); (c) were not material to the Defence's preparation, given that the Defence was already in possession of the same and/or similar information; and (d) did not cause undue prejudice, as the Defence was fully able to examine P-2018 on the Excel document (*see inter alia* T-225-CONF-FRA ET, at 16:1-16:14, 30:8-31:19 ; T-226-CONF-FRA ET, at 24:14-27:18 ; 58:3-59:20) and question him on any differences between the versions, including on the apparent use of a formula to calculate [REDACTED] (T-226-CONF-FRA ET, at 62:7- 64:23), and to make reference to the Excel tabs (T-226-CONF-FRA ET, at 62:27-63:5). The exclusion of evidence principally used by the Defence itself during P-2018's cross-examination, and further referenced by the Chamber Judge (T-223-CONF-FRA ET, at 20:15-20:23), is unnecessary.

Second, contrary to the Defence's arguments, the differences between the two forms of the document do not affect the authenticity of the Excel document. P-2018 explained the origin, [REDACTED], [REDACTED] of the Excel sheet, as well as [REDACTED] (*see inter alia* T-223-CONF-FRA ET, 20:4-20:22; T-226-CONF-FRA, 58:3-59:20).

The Defence's arguments misunderstand the pertinence of the tendered document – which rather establishes through contemporaneous information that *indeed and in fact* [REDACTED]

[REDACTED]. Thus, the differences between the two versions, in no way call into question the contemporaneity of the Excel table's [REDACTED], or its probative value.

Precluding the submission of the Excel document at this stage is unjustifiable. Should the Chamber be minded to do so however, the Prosecution considers that it should permit the submission the PDF version (CAR-OTP-2116-0369_01, disclosed originally in November 2020).

Kind regards,
On behalf of the OTP Trial Team

From: [REDACTED]
Sent: 28 April 2023 18:38
To: OTP CAR IIB [REDACTED] 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]; Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Prosecution Submission of evidence following the examination of P-2018

[ICC] RESTRICTED

Dear Trial Chamber V,
Dear all,

The Yekatom Defence (the "Defence") hereby takes note of the Prosecution Submission of evidence following the examination of P-2018 and opposes the formal submission of CAR-OTP-2115-0369 ("[REDACTED]").

As mentioned during P-2018's hearing (ICC-01/14-01/18-T-226-CONF-FRA ET at 14:03:33) the excel version of this item has been provided to the Defence only three days before the start of P-2018's examination, while the Office of the Prosecutor was in possession of this document since P-2018's interview, in March 2018. The Defence submits that a number of information going to the reliability and/provenance of the document were missing from the PDF version of this document. The Defence therefore opposes its submission, and hereby attaches a courtesy copy of its filing submitted today requesting the Chamber to find a disclosure violation notably with regard to the [REDACTED].

For the abovementioned reasons, and as developed in the attached filing, the Defence considers that the Prosecution violated its disclosure obligation and respectfully requests the Chamber to reject the Prosecution's request for formal submission of CAR-OTP-2115-0369.

Kind regards,

[REDACTED]
Case manager, Yekatom Defence

De : OTP CAR IIB [REDACTED]
Envoyé : 25 avril 2023 16:36
À : 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]; Associate Legal Officer-Court Officer [REDACTED] OTP CAR IIB [REDACTED]
Objet : Prosecution Submission of evidence following the examination of P-2018

[ICC] RESTRICTED

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 requests that the following items be recognised as formally submitted:

- i. Documents discussed with the witness during the course of his examination by the Prosecution, and which were not recognized as formally submitted to date:

Count	Doc ID	WIT – Used through	Document Type	EVD - Date	EVD – Participant Tendering	Request Submission
1.	CAR-OTP-2071-0277	P-2018	Administrative and travel related documents	17/04/23	OTP	YES
2.	CAR-OTP-2071-0278	P-2018	Administrative and travel related documents	17/04/23	OTP	YES
3.	CAR-OTP-2071-0282	P-2018	Administrative and travel related documents	17/04/23	OTP	YES
4.	CAR-OTP-2071-0298	P-2018	Legislation / government instruction / public guidelines	17/04/23	OTP	YES
5.	CAR-OTP-2071-0302	P-2018	Notes (other)	17/04/23	OTP	YES
6.	CAR-OTP-2071-0307	P-2018	Map	18/04/23	OTP	YES
7.	CAR-OTP-2071-0309	P-2018	List / table	18/04/23	OTP	YES
8.	CAR-OTP-2115-0369	P-2018	List / table	18/04/23	OTP	YES

Kind regards,
On behalf of OTP Trial Team

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To: OTP CAR IIB; Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; [REDACTED] Associate Legal Officer-Court Officer; [REDACTED]
Subject: RE: Prosecution Submission of evidence following the examination of P-2018
Attachments: Courtesy Copy - Motion for Finding of Disclosure Violation in Relation to Witness P-2018 Material.pdf

[ICC] RESTRICTED

Dear Trial Chamber V,
Dear all,

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Kind regards,

[REDACTED]
Case manager, Yekatom Defence

De : OTP CAR IIB [REDACTED]
Envoyé : 25 avril 2023 16:36
À : 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]; Associate Legal Officer-Court Officer [REDACTED]; [REDACTED]; OTP CAR IIB [REDACTED]
Objet : Prosecution Submission of evidence following the examination of P-2018

[ICC] RESTRICTED

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On behalf of OTP Trial Team

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Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; [REDACTED] Associate Legal Officer-Court Officer; [REDACTED]; OTP CAR IIB
Subject: Prosecution Submission of evidence following the examination of P-2018

[ICC] RESTRICTED

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7.	CAR-OTP-2071-0309	P-2018	List / table	18/04/23	OTP	YES
8.	CAR-OTP-2115-0369	P-2018	List / table	18/04/23	OTP	YES

Kind regards,
 On behalf of OTP Trial Team