

**ANNEX 45**  
**Public Redacted**  
**Version**

**From:** Trial Chamber V Communications  
**Sent:** 26 October 2023 13:30  
**To:** D29 Yekatom Defence Team; OTP CAR IIB; 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 Yekatom Defence Request to add 6 items to its list of materials for P-0952 examination

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the email below.

In light of the explanations provided, and noting the absence of objections from the other participants, the Single Judge grants the request.

Kind regards,  
 TC V

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**From:** [REDACTED]  
**Sent:** 25 October 2023 22:18  
**To:** Trial Chamber V Communications [REDACTED]  
**Cc:** D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]  
**Subject:** Yekatom Defence Request to add 6 items to its list of materials for P-0952 examination

Dear Trial Chamber V,

The Yekatom Defence respectfully requests leave to add 6 items to its list of material to be used with P-0952 ("List").

The items are the following :

- CAR-OTP-2065-1396 : Video filmed by P-1819 in CATTIN on 5 December 2013;
- CAR-OTP-2065-1408 : Video filmed by P-1819 in CATTIN on 5 December 2013;
- CAR-OTP-2065-1412 : Video filmed by P-1819 in CATTIN on 5 December 2013;
- CAR-D29-0006-1337 : Translation of P-0952 Sango speech in video CAR-OTP-2023-1636;
- CAR-OTP-2023-2049 : Video/audio «CONF DE PRESSE CONSEILLER MOLOTO BODA.mpg » ;
- CAR-OTP-2127-6298 : Translation of CAR-OTP-2023-2049.

The Defence respectfully submits that there is good cause for the late addition of these items.

With regard to the three P-1819 videos (CAR-OTP-2065-1396, CAR-OTP-2065-1408 and CAR-OTP-2065-1412), the Defence submits that they were filmed by P-1819 on 5 December 2013 in the Cattin neighborhood. [REDACTED] was initially redacted in transcript CAR-OTP-2107-0847 (lines 70-76). The Defence knows that the witness has knowledge on the Cattin area as she [REDACTED]. The Prosecution agreed to lift the redaction, unfortunately due to a technical glitch with emails, the Defence only received the courtesy

copies of the Prosecution after the List of Material was sent. The Defence informed the Prosecution yesterday's morning that it would use some of those videos due to the redact lift that occurred.

With regards to translation CAR-D29-0006-1337, the Defence notes that it corresponds to the translation of a portion of P-0952 speech which she made in Sango in Mbaïki, in video CAR-OTP-2023-1636. This video was shown to the witness (*T-249-FRA RT at 12:08:08*) in relation to what she said in French, the Defence intends to put additional questions on the Sango part.


With regards to the document CAR-OTP-2023-2049 and its translation CAR-OTP-2127-6298, the Defence submits that their addition to the List is warranted in light of P-0952's indication that she sent a specific government mission to Boda to know what was happening there (*T-249-FRA RT at 12:13:35, page 50*).

In light of the specific substance of those items and of the fact that all were previously disclosed, the Defence submits that no prejudice arises from their late addition to the List of Material. In addition, as regards to the three P-1819 videos, the Defence only took possession of the lesser redacted version of the transcript after the initial List was sent and could not have anticipated their use.

Should the Chamber grants the present request, the Defence attached an updated List of Material which include in yellow the six documents for which addition is sought. Please note that the Defence corrected also a typo in the ERN of item #84, the correct ERN should be read as CAR-OTP-2099-0261.

Please also note that after a thorough review of P-0952's live testimony, more than half of the tabs will no longer be used.

Kind regards,

  
Legal Consultant  
Yekatom Defence

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