

Annex 11

Public

From: Pre-Trial Chamber II communications
Sent: 25 August 2023 13:51
To: D34 Mokom Defence Team; OTP CARIIB-MM Communications
Cc: Elisabeth Rabseandratana; Yaré Fall; Adangabomoussa, Abdou; [REDACTED]; Associate Legal Officer-Court Officer; Pre-Trial Chamber II communications; Chamber Decisions Communication
Subject: ICC-01/14-01/22 - Decision on Defence's oral request of 24 August 2023 to add item CAR-OTP-2066-1422 to its list of evidence pursuant to regulation 35 of the Regulations of the Court - Public

Dear Counsel,

The Chamber notes the Defence's request submitted on 24 August 2023 during the confirmation of charges hearing under regulation 35 of the Regulations of the Court to include item CAR-OTP-2066-1422 in its list of evidence (Transcript of hearing, 24 August 2023, pages 56-57) (the 'Request'). It further notes the Prosecution's response (email dated 25 August 2023, at 09:58).

Noting that the Prosecution does not oppose the Request, and that the relevant item was disclosed to the Defence on 20 July 2023 shortly before the expiry of the time limit for the Defence to submit its list of evidence, the Chamber grants the Request and orders the Defence to file into the record of the case an updated list of evidence including item CAR-OTP-2066-1422 by no later than Tuesday, 29 August 2023.

Thank you and kind regards,
 [REDACTED] on behalf of Pre-Trial Chamber II

From: [REDACTED]
Sent: 25 August 2023 09:58
To: Pre-Trial Chamber II communications [REDACTED]
Cc: OTP CARIIB-MM Communications [REDACTED]; D34 Mokom Defence Team [REDACTED]; Elisabeth Rabseandratana [REDACTED]; Yaré Fall [REDACTED]; Adangabomoussa, Abdou [REDACTED]; [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: ICC-01/14-01/22 - Prosecution Response to the Defence request pursuant to regulation 35(2)

Dear Chamber,

The Prosecution responds as follows to the Defence request made during the hearing on 24 August 2023 to add item CAR-OTP-2066-1422 to its List of Evidence for the Confirmation proceedings.

The document was disclosed on 20 July as part of a Rule 77 package 024 that included items used with Prosecution witnesses in the Yekatom and Ngaissona case following the decision of Trial Chamber V (ICC-01/14-01/18-1976 of 13 July 2023). This particular item had been shown to P-0475, [REDACTED]
 [REDACTED]
 [REDACTED] The transcript CAR-OTP-000000928 of P-0475 in which this item is noted at p. 40 has been in the Defence's possession since 20 February 2023 (Pre-Confirmation INCRIM package 014).

However, since the item itself was provided to the Defence only shortly before the expiry of the deadline for the List of Evidence, the Prosecution does not oppose the Defence request in this particular case.

Kind regards,



Case Manager