

ANNEX 47
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 31 January 2024 11:20
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 Pending Issues concerning Submission Status of Certain Items
Attachments: Prosecution seeks clarification that two documents (CAR-OTP-2106-0563 and CAR-OTP-2106-0570) ; Chamber's order (ICC-01/14-01/18-2179, p. 10); Decision on the Thirteen Prosecution Submission Request from the Bar Table (ICC-01/14-01/18-2199-Conf, para. 30)

Dear Counsel,
dear colleagues from the Registry,

The Chamber takes note of the Prosecution emails from 23 August 2023, at 18:36; 13 November 2023, at 10:50; and 14 November 2023, at 13:24 (*attached herewith*).

First, the Chamber notes that CAR-OTP-2106-0563 and CAR-OTP-2106-0570 were discussed by P-2416 in his prior recorded testimony (*see* ICC-01/14-01/18-1833-Conf-Corr, para. 195). In this regard, the Chamber clarifies that Annexes 35 to 38 (CAR-OTP-2106-0563 to CAR-OTP-2106-0564) and Annexes 46 to 51 (CAR-OTP-2106-0569 to CAR-OTP-2106-0571) should have been recognised as formally submitted pursuant to Rule 68(2)(b) of the Rules, but were inadvertently omitted from paragraph 199 and in the disposition section of the aforementioned decision. A corrigendum will be filed shortly.

Second, with regard to CAR-OTP-2000-0634, the Chamber recalls that it recognised as submitted the French portion, from 00:00:00 to 00:11:23, deferring its decision on the Sango portion of the item until the Prosecution disclosed the corresponding transcript and translation into a working language of the Court (*see* ICC-01/14-01/18-2179, para. 23, pp. 10-11). Having now reviewed the French translation of the transcript (CAR-OTP-00002015), and in the absence of any procedural bars and objections from the rest of participants, the Chamber recognises as formally submitted the remainder of CAR-OTP-2000-0634, from 00:11:23 to 00:22:43, together with CAR-OTP-00002015.

Third, with regard to CAR-OTP-2008-0892, the Chamber recalls that it rejected its submission without prejudice, unless the Prosecution provides a readable version thereof (*see* ICC-01/14-01/18-2199-Conf, para. 30). Having now reviewed this version, together with a courtesy transcription provided by the Prosecution, the Chamber, in the absence of any procedural bars and objections from the rest of participants, recognises CAR-OTP-2008-0892 as formally submitted.

Kind regards, TC V

From: OTP CAR IIB
Sent: 23 August 2023 18:36
To: 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; OTP CAR IIB
Subject: Prosecution seeks clarification that two documents (CAR-OTP-2106-0563 and CAR-OTP-2106-0570)

[ICC] RESTRICTED

Dear Trial Chamber,

The Prosecution seeks clarification that two documents (CAR-OTP-2106-0563 and CAR-OTP-2106-0570) have been recognised as submitted.

These two documents were included in the Prosecution's second 68(2)(b) request (ICC-01/14-01/18-744, see in particular ICC-01/14-01/18-744-Conf-AnxA, at p. 6). While they were referenced in the Chamber's subsequent first decision on 68(2)(b) motions (ICC-01/14-01/18-1833, para. 195), and the ultimate decision was to grant the request for the statement and associated items with the exception only of identified items already submitted (see para. 199), the individual ERNs of these two documents are not listed in para. 199 or in the disposition section at the end.

Kind regards,

On behalf of the OTP Trial Team

From: Mostfa, Yassin
Sent: 13 November 2023 10:50
To: Associate Legal Officer-Court Officer; 'D30 Ngaissona Defence Team'; 'D29 Yekatom Defence Team'; V44 LRV Team OPCV; Trial Chamber V Communications; 'V44 LRV Team'; V45 LRV Team; [REDACTED]
Cc: OTP CAR IIB
Subject: Chamber's order (ICC-01/14-01/18-2179, p. 10)

[ICC] RESTRICTED

Dear Trial Chamber,
Dear Parties and Participants,

Pursuant to the Chamber's order (ICC-01/14-01/18-2179, p. 10), please note that the Prosecution disclosed the transcript and/or translation of the Sango portions of item CAR-OTP-2000-0634 last Friday.

Kind regards,
On behalf of the OTP Trial Team

From: OTP CAR IIB
Sent: 14 November 2023 13:24
To: Trial Chamber V Communications
Cc: Associate Legal Officer-Court Officer; OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Subject: Decision on the Thirteen Prosecution Submission Request from the Bar Table (ICC-01/14-01/18-2199-Conf, para. 30)
Attachments: CAR-OTP-2008-0892.pdf; Transcription by the Office of the Prosecutor of document CAR-OTP-2008-0892.pdf

Dear Trial Chamber V,

In its Decision on the Thirteen Prosecution Submission Request from the Bar Table (ICC-01/14-01/18-2199-Conf, para. 30), the Chamber rejected the formal submission of document CAR-OTP-2008-0892 without prejudice, “unless the Prosecution provides a readable version to the participants by 15 November 2023”.

The Prosecution informs the Chamber that the OTP’s Evidence and Discovery Management Unit was able to enhance the quality of the image of the document, which is now readable, with the exception of a very few words (in particular, the portion of the document on which the Prosecution indicated to be relying (at 0892-0893, entry for the date of 3 November 2013) (see ICC-01/14-01/18-2048-Conf, pp. 7-8) is fully readable. The formal submission of document CAR-OTP-2008-0892 is therefore hereby requested.

An electronic copy of the enhanced document is attached for the Chamber’s consideration. We will be formally disclosed to the parties and participants on 15 November.

An in-house transcription of the document is also attached to this email, to assist the Chamber, the parties, and the participants, in the reading of the document. The Prosecution is ready to consider any observation from the parties and participants concerning this transcription. Thank you.

Kind regards,
On behalf of OTP Trial Team