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No.: **ICC-01/14-01/21**

Date: **9 September 2022**

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

Public

with Confidential Annexes A, B, C and D

Prosecution's Communication of the Disclosure of Evidence on 9 September 2022

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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**Victims Participation
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Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) submits this communication regarding the disclosure of evidence.

II. CONFIDENTIALITY

2. The Annexes, appended to this filing, are classified as confidential as they relate to evidence disclosed *inter partes* that should not be released to the public.

III. SUBMISSIONS

3. On 9 September 2022, the Prosecution disclosed to the Defence of Mahamat Said Abdel Kani “Pre-Trial INCRIM package 088” containing 3 items, “Pre-Trial Rule 77 package 054” containing 48 items, “Pre-Trial Rule 77 package 055” containing 1 item, and “Pre-Trial Other package 018” containing 2 items. The majority of items included are re-disclosed with lesser redactions following a review of the necessity to preserve certain standard redactions ahead of trial. The new items were received recently or are based on recent analysis¹ relevant to material potentially considered to fall under rule 77 ahead of trial as part of the Prosecution’s ongoing obligation to review its evidence collection.

4. The disclosure of “Pre-Trial INCRIM package 088” consists of a translation and transcript of video CAR-OTP-2000-0693, which was previously disclosed as INCRIM² and a lesser redacted version of the previously disclosed witness statement of P-0547.

5. The disclosure of “Pre-Trial Rule 77 package 054” consists of items that are deemed material to the preparation of the Defence. It includes a lesser redacted version of a telecommunications report previously disclosed and related to P-0547;³ a report on telecommunications related to P-0547 which are in 2014, with call sequence

¹ The report CAR-OTP-00000033 is a combined analytical product of Facebook materials and call data records relevant to P-0547.

² Pre-Trial INCRIM package 065 disclosed on 5 May 2022.

³ CDR report at CAR-OTP-2130-8820 disclosed at Pre-Confirmation Rule 77 package 018 on 30 August 2021.

tables (CST) annex and supporting documents;⁴ witness documents; two investigation reports on the origins of photographs shown during witness interviews of P-3053, P-3056 and P-1167 with the accompanying photographs, and an investigation report concerning the collection of documents provided by the source P-0274.

6. The disclosure of “Pre-Trial Rule 77 package 055” consists of an item that is deemed material to the preparation of the Defence. It includes a lesser redacted version of a previously disclosed investigation report related to P-0547.⁵

7. The disclosure of “Pre-Trial Other package 018” consists of raw call data records (CDR) attributed to P-0547 which were referenced in a telecommunications report for P-0547 and reviewed. The Prosecution provides these items upon request by the Defence. As the review of the Prosecution did not conclude any relevant communications pertinent to the relevant time period in these sets of analysed CDR, the CRD are disclosed under the legal classification of “Other”. These CDR are disclosed as excel tables. In these tables the communications attributed to P-0547 are on separate tabs from other CDR included in the excel tables and can be found by viewing the tabs. The other communications included are not attributed to P-0547. A separation of the data is not possible without risking its corruption.



Karim A. A. Khan KC, Prosecutor

Dated this 9th day of September 2022
At The Hague, The Netherlands

⁴ CDR report at CAR-OTP-00000033 and CST Annex at CAR-OTP-00000034.

⁵ CAR-OTP-2130-6946 disclosed at Pre-Trial Rule 77 package 040 in 9 June 2022.