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TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public

**Public Redacted Version of the
‘Defence Response to “Prosecution’s Sixteenth supplementary submission of call
data records and related evidence via the ‘bar table’”
(ICC-01/14-01/18-2085-Conf), filed 7 September 2023**

Source: Defence of Patrice-Edouard Ngaïssona

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

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I. INTRODUCTION

1. The Defence for Mr Ngaissona opposes the submission of the materials contained within the 'Prosecution's Sixteenth supplementary submission of call data records and related evidence via the "bar table"'¹ ('Request'). Should the Chamber grant the Prosecution Request, the Defence argues that the Trial Chamber ('Chamber') should not give any weight to the materials during deliberations for reasons described below and relating to the Article 69 standard evidentiary criteria.
2. Though item specific arguments are raised below, there are several cross-cutting issues that run through the items that are part of the Request:
 - a. The failure of the Prosecution to contextualise the purported relevance and probative value of the material;
 - b. The prejudice of submitting voluminous documents for small excerpts, which risks the effect of trial by ambush; and
 - c. The lack of explanation by the Prosecution for the delays in bringing forward arguments and items.

II. CONFIDENTIALITY

3. Pursuant to Regulation 23*bis* of the Regulations of the Court, this Response is filed as "Confidential", as it responds to a filing of the same classification. A public redacted version of this request will be filed as soon as practicable.

¹ [ICC-01/14-01/18-2061](#), notified 25 August 2023.

III. SUBMISSIONS

A. The Chamber should reject the submission of the CDR²

1. *The Prosecution has failed to satisfy the criteria for reconsideration*

4. As noted recently on 29 August 2023 by this Chamber, “reconsideration of a decision is exceptional and should be done only if a clear error of reasoning has been demonstrated or if it is necessary to prevent an injustice.”³ There is no injustice here and the Prosecution does not argue that there has been, nor does it argue that there was an error of reasoning.
5. The Prosecution request for submission of the CDR seeks an impermissible second bite of the apple and should be rejected on this basis alone. The Prosecution has already sought to submit this CDR obtained from [REDACTED] and this was rejected on 5 July 2022.⁴ The Prosecution is therefore requesting reconsideration of that decision. Though the Defence noted the Chamber’s prior rejection in its *inter partes*

² CAR-OTP-2103-0675.

³ [ICC-01/14-01/18-2068](#), para. 4 *citing* Trial Chamber X, The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, Decision on Defence request for reconsideration of Decision on requests related to the submission into evidence of Mr Al Hassan’s statements, 23 November 2022, ICC-01/12-01/18-2414, para. 7; Trial Chamber I, The Prosecutor v. Ali Muhammad Ali Abd-al-Rahman (‘Ali Kushayb’), Decision on Defence request for reconsideration of “Decision on Defence submissions on cooperation with Sudan”, 29 March 2022, ICC-02/05-01/20-650-Conf (public redacted version notified the same day), para. 10; Trial Chamber X, The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, Decision on Defence request for reconsideration and, in the alternative, leave to appeal the ‘Decision on witness preparation and familiarisation’, 9 April 2020, ICC-01/12-01/18-734, para. 11; Trial Chamber VI, The Prosecutor v. Bosco Ntaganda, Decision on Defence request seeking partial reconsideration of the ‘Decision on Defence request for admission of evidence from the bar table’, 22 February 2018, ICC-01/04-02/06- 2241, para. 4; Trial Chamber IX, The Prosecutor v. Dominic Ongwen, Decision on Request for Reconsideration of the Order to Disclose Requests for Assistance, 15 June 2016, ICC-02/04-01/15-468, para. 4; Trial Chamber VII, The Prosecutor v. Jean-Pierre Bemba Gombo et al., Decision on Defence Request for Reconsideration of or Leave to Appeal ‘Decision on “Defence Request for Disclosure and Judicial Assistance”’, 22 September 2015, ICC-01/05-01/13-1282, para. 8; Trial Chamber V(A), The Prosecutor v. William Samoei Ruto & Joshua Arap Sang, Decision on the Sang Defence’s Request for Reconsideration of Page and Time Limits, 10 February 2015, ICC-01/09-01/11-1813, para. 19; Trial Chamber I, The Prosecutor v. Thomas Lubanga Dyilo, Decision on the defence request to reconsider the “Order on numbering of evidence” of 12 May 2010, 30 March 2011, ICC-01/04-01/06-2705, para. 18. 8 See Request, ICC-01/14-01/18-1997-Conf-Red, para. 30.

⁴ICC-01/14-01/18-1296-Conf-AnxD, p. 404; and [ICC-01/14-01/18-1499](#), p. 16.

communications with the Prosecution,⁵ the Request does not explain why the Prosecution was unable to put forward the argument that it is now advancing nor provides any arguments as to why the Chamber should reconsider the prior decision.

2. No new issue has arisen since the Chamber rejected the submission of the CDR

6. The Prosecution has not argued that decision 1499 was intended to cover any issue that appeared before or after it, but for completeness the Defence argues that such an argument should be rejected.
7. When the Chamber rejected the submission of the CDR on 5 July 2022, it noted that the Prosecution is:

not precluded from submitting additional call related data in response to ‘issues **arising from documentary evidence and testimony presented at trial**’, should it wish to do so later.⁶

8. As information in the Request itself shows, the issue has not arisen in response to anything since the 5 July 2022 decision. A footnote⁷ in Annex A of the Request cross references *another* footnote in a filing from **16 April 2021** that states “Call from NGAISSONA [REDACTED] to [REDACTED], 14:00:43, CAR-OTP-2103-0675.”⁸ The contact referred to in that footnote does not exist in the CDR, but the footnote shows that the Prosecution contemplated the issue a year prior to the decision rejecting submission of the CDR. Footnote 78 of the April 2021 filing states “The Prosecution

⁵ Email, subject ‘Annex regarding call data records and attribution evidence to be submitted through the Bar Table’ sent 21 July 2023 17h18, “the Prosecution has already sought to submit this CDR obtained from [REDACTED] and this was rejected (ICC-01/14-01/18-1296-Conf-AnxD, p. 404; and ICC-01/14-01/18-1499, p. 16). The Defence opposes the submission of this item absent the Prosecution establishing a new issue arising from documentary evidence or testimony presented at trial subsequent to decision #1499.”

⁶ [ICC-01/14-01/18-1499](#), para. 49 (bold added).

⁷ ICC-01/14-01/18-2061-Conf-AnxA, p. 3, fn 3.

⁸ ICC-01/14-01/18-958-Conf, para. 25, fn. 75.

expects to file a bar table motion to submit these materials into evidence the near future.”⁹ That motion was not filed for another year.

9. The Request states that it introduces evidence of “a handful of significant contacts that have arisen in the course of the trial”¹⁰, yet no **new** issue has arisen at trial since the March 2022 request. The Prosecution appears to simply have not done its homework despite having long and frequent gaps in its witness schedule over the last 2 years.
10. The Chamber indicated that issues had to **arise** at trial. That is to say that the issue had to be new **after** decision 1499. The Chamber’s decision comports generally with the court’s approach to reconsideration – i.e. where an issue could not be anticipated. Moreover, the excerpt of decision 1499 above¹¹ flows from and almost repeats the Defence response to the first CDR bar table motion submissions which described standard trial proceedings.¹²

3. The CDR should be rejected for being unreliable

11. As previously argued,¹³ the CDR are unreliable because no witness testified who was involved in the process of the production of it and has authenticated it. The information available to the Chamber and Defence does not remedy this gap. The information available suggests that CDR has some origin with [REDACTED] provider, and its title indicates that it was a “[REDACTED]” suggesting that it was obtained pursuant to a legal request of some kind.¹⁴ The disclosed metadata indicates that the ‘Source Identity’ is the [REDACTED]. This information raises more questions than it answers and cannot provide a basis to rely upon its contents.

⁹ sic.

¹⁰ Request, para. 5.

¹¹ See para. 7.

¹² [ICC-01/14-01/18-1409-Red](#), para. 52 (“Nothing prevents the Prosecution from requesting to add a particular CDR to a particular witness’s list of evidence when an issue appears to have arisen from testimony presented at trial by the Defence. At that point, the Trial Chamber will have the information necessary to ascertain whether the addition creates prejudice to the Defence.”).

¹³ [ICC-01/14-01/18-1409-Red](#), paras 16-18.

¹⁴ See CAR-OTP-2127-0915; CAR-OTP-2122-9769; CAR-OTP-2103-0004; and CAR-OTP-2127-4651.

12. However, the CDR's contents suggests that its production was also not done competently as information is missing. In the columns labelled 'Site Name', 'Town', and 'Region', it is unclear why some rows contain values, but others do not. This suggests that a choice was made to include certain information, or that an error was made in extracting the information. Moreover, it is not clear whether that information relates to the caller, or called person, or both.
13. Moreover, there is also no column for IMSI number. This is an indication that an individual produced the item, and this cannot be treated as a reliable and automatically produced business record without testimony from persons associated with it. Even if the Chamber considered the CDR to be reliable, there appears to be no way to know whether the phone number had changed hands over the period.¹⁵
14. Two further anomalies also raise questions about the competency of the CDR's production. Firstly, some of the caller numbers contain a country code for [REDACTED] and some do not.¹⁶ The Prosecution suggests that these records were produced automatically, but if that were true, it is not clear why this would occur since automation suggests a uniformity across all production. Secondly, it contains anomalies such as an SMS sent at [REDACTED] from the number [REDACTED] which does not appear to be a phone number.¹⁷ Given this, the Chamber must ask itself to what degree any of the other information is correct.

4. The prejudice of the submission of the CDR outweighs its probative value

15. The CDR is probative of little to nothing as the Prosecution does not explain how it is corroborative of the two emails that are mentioned in the footnote in Annex A of the Request. The Prosecution submission and CST 26 in Annex A to the Request – taken in isolation – could suggest one possible inference: that the [REDACTED] call was in

¹⁵ See P-2973 testimony, ICC-01/14-01/18-T-242-ENG, p. 31, line 17 to p. 32, line 18.

¹⁶ See CAR-OTP-2103-0675 at 0705. The number [REDACTED] calls the same number and is indicted to be in [REDACTED], but the same number then appears makes a call at [REDACTED].

¹⁷ Ibid.

response to the email; however, an inspection does not lead to that inference since there are contacts before and after the date between the individuals alleged to be Mr Ngaissona and [REDACTED]. Therefore, the CDR does not support the Prosecution's claim. Finally, to conclude that the contact on [REDACTED] has any value, the Chamber will have to be satisfied that the primary users of the numbers on [REDACTED] date, and for that specific call, were the same individuals who exchanged the email. The Defence has opposed the attributions of the primary users of these phone numbers in other litigation¹⁸ and in the present response.

16. By contrast the prejudice of admission of the CDR is high and should lead to the immediate inadmissibility of the item.
17. The time it has taken for the Prosecution argument in its Request to emerge is unreasonable. In addition to the Prosecution being aware of its argument as noted above, it is worth recalling that the CDR has been in the Prosecution's possession since **February 2019**.¹⁹ If the CDR concerns a "significant contact" as per the Prosecution then how could the Prosecution miss it, or if it was never part of its case, then how significant can it be?
18. The possible reasons why the argument is being advanced now is prejudicial and should lead the Chamber to reject the submission of the CDR as part of its balancing of the prejudice against other standard evidentiary criteria. In March 2022 when the item was first submitted, the Prosecution did not offer any argument or hint of the argument now being advanced in Annex A²⁰ of the Request was made despite the instructions contained in the Directions on the conduct of proceedings.²¹ In 2022, the

¹⁸ ICC-01/14-01/18-1409-Conf.

¹⁹ Chain of custody: [REDACTED].

²⁰ ICC-01/14-01/18-2061-Conf-AnxA, p. 3, fn 3.

²¹ [ICC-01/14-01/18-631](#), para. 62 ("Bar table applications shall contain (i) a short description of the item (and/or relevant portions therein); and (ii) a short description of the asserted relevance and probative value pursuant to Rule 64(1) of the Rules.").

CDR was among the 605 CDRs that the Prosecution merely claimed were “responsive to issues arising from documentary evidence and testimony presented at trial, as well as for completeness”.²² The CDR itself contains around 6400 records. The other 604 CDRs submitted at that time vary in length, but it is not unrealistic to estimate that the total number of records (e.g. lines) comprised at least 60 to 70 thousand. At that time the Chamber found that the Prosecution: “does not rely upon these [605] items to ‘prove allegations’ set out in its Trial Brief”.²³ The Chamber found that the Prosecution had not established even *prima facie* relevance of the CDR and rejected the submission of the items.²⁴ The Prosecution did not seek leave to appeal or reconsideration.

19. The Defence would like to exclude the possibility that the Prosecution planned to gain a strategic advantage through unclear submissions aimed at denying the Defence a reasonable opportunity to challenge the evidence **during the trial**. However, this possibility arises from the circumstances. The submission of the CDR in March 2022 had no explanation. One footnote in a filing in 2021 that refers to the CDR and describes how the CDR fits into the Prosecution’s case is insufficient. However, that 2021 footnote referring to the CDR demonstrates that the Prosecution was aware of how it planned to use the item and could have made this clear in its March 2022 filing.
20. In sum, in March 2022, the Prosecution submitted an item with no explanation. The Request now seeks the resubmission of an item appearing to claim **new** significance when the record shows it could have anticipated this in March 2022. No explanation is provided by the Prosecution. The Defence has previously alluded to the risk of trial by ambush in relation to the CDR materials more generally.²⁵ The Request for submission of the CDR appears to be an example of this. Granting the submission for the CDR will endorse an approach that is unfair and encourages the Prosecution to

²² [ICC-01/14-01/18-1296](#), para. 13.

²³ [ICC-01/14-01/18-1499](#), para. 42.

²⁴ [ICC-01/14-01/18-1499](#), para. 46.

²⁵ [ICC-01/14-01/18-1409-Red](#), para. 20, at fn 26.

use sharp tactics or rewards a lack of diligence or clarity. This is all at the possible expense of the truth and is prejudicial to the Defence.

B. The three Facebook message threads²⁶

21. The whole scale submission of the three Facebook message threads material where the Prosecution only seeks to rely on pinpoint citations of single lines should be rejected as prejudicial.
22. The three message threads comprise 1,207 messages that span across 169 pages. The Chamber should refuse the submission of this volume of material as it is disproportionate to receive so much material into the record for three mentions of a telephone number. Should the Chamber receive the items for the purposes specified in the Request, it should refuse to entertain submissions concerning other parts of them at a later stage and should only evaluate them for the reasons specified by the Prosecution. Anything less is creating a trial by ambush.
23. The Defence has argued in response to a separate request concerning these items that the Chamber should accord no probative value to Facebook evidence and the specific items. This is when neither the sender nor the recipient of the exchange in question has provided testimony as to the meaning and veracity of the relevant conversations or posts.²⁷ As noted in Annex C to the Request, the Prosecution submitted these items separately and the decision is pending.²⁸ Should the Chamber reject that other request, the same Defence arguments are incorporated by reference here and are still applicable here.²⁹ The lack of contextualization is applicable to the purpose for which the Prosecution seeks submission of the three items.

²⁶ CAR-OTP- 2103-2375; CAR-OTP- 2103-2407; and CAR-OTP- 2103-2529.

²⁷ ICC-01/14-01/18-1999-Conf-Anx1, p. 292 (item 413); p. 294 (item 415); and p. 296 (item 418).

²⁸ ICC-01/14-01/18-1874-Conf.

²⁹ ICC-01/14-01/18-1999-Conf, *see* particularly paras 8-16.

24. Firstly, the Request relies upon the premise that [REDACTED],³⁰ yet two of the items referred to in support of this are not on the Prosecution's list of evidence,³¹ two other items have not been submitted,³² and the others are pending.³³ In any case, in one *procès-verbal* which the Prosecution refers to, [REDACTED] indicates that he doesn't know if the number is his.³⁴
25. The arguments in Annex C to the Request that seek to identify "[REDACTED]" as [REDACTED] are not tied to the submission of the material in the Request and appears to be either forgotten from a prior draft or submissions that should be made elsewhere and ignored by the Chamber.
26. Secondly, the Facebook threads need contextualization. The Prosecution suggests that the mention of telephone number given in response to queries for [REDACTED] telephone number demonstrate that he is the primary user; however, the three items do not provide clarity to this. In one item the [REDACTED] account talks about himself in the third person which suggests that the account with the name [REDACTED] may not belong to [REDACTED] or that it is shared by more than one person.³⁵ In another instance, immediately after the user of the [REDACTED] account provides the phone number to the user of [REDACTED] account, the [REDACTED] account user remarks "[REDACTED]".³⁶ This would suggest that the number does not work or does not in fact belong to [REDACTED] and in fact belongs to someone else. Moreover, this example is the last communication chronologically³⁷ and this raises doubts about the other citation referred to by the Prosecution that occur earlier in time. Thus, without

³⁰ ICC-01/14-01/18-2061-Conf-AnxC, p. 2, fn 1.

³¹ CAR-OTP-2130-3316 and CAR-OTP-2130-3337.

³² CAR-OTP-2134-1868 and CAR-OTP-2134-0407.

³³ CAR-OTP-2134-0441 and CAR-OTP-2134-1852.

³⁴ CAR-OTP-2134-1852-R01 at 1854: [REDACTED].

³⁵ CAR-OTP-2103-2407 at [REDACTED].

³⁶ CAR-OTP- 2103-2529 [REDACTED].

³⁷ The instances occur on 14 May 2013 10h04 (CAR-OTP-2103-2375 at 2376-2377); 18 May 2013 13h04 (CAR-OTP-2103-2407 at 2426) and 24 June 2013 11h53 (CAR-OTP-2103-2529 at 2531).

contextualization in court, it is not possible to know whether these items can be relied upon and therefore they should be rejected.

C. Material related to attributing a phone number to P-0965 [REDACTED]³⁸

27. The relevance of the two items submitted by the Prosecution is low since both items originate from [REDACTED]. The [REDACTED] and the [REDACTED] provides no information about when the SIM card was made active. The Prosecution also had an opportunity to clarify, during its examination of P-0965, if this number was used during the charged period by P-0965, but it did not. By contrast the Defence put another phone number to P-0965.³⁹
28. As noted in the Defence response to the first CDR bar table motion, *inter alia*, phone sharing was common,⁴⁰ and phone numbers were re-allocated after a certain amount of time.⁴¹ P-2973 also gave testimony on some of the background as to why switching SIM cards was a practice at the time.⁴² Therefore, without more, the items are arguably not relevant as they provide no information about the charged period and they are certainly of very low probative value as to who was the primary user of the phone number [REDACTED].⁴³
29. The Prosecution Request regarding [REDACTED] seems aimed at impeaching the testimony of P-1521, by implying that P-1521 was lying when he said [REDACTED].⁴⁴ However, [REDACTED] do not lead to this conclusion. [REDACTED]⁴⁵ [REDACTED].⁴⁶ The Prosecution is boxing with shadows when in fact that evidential

³⁸ CAR-OTP-2112-1405 and CAR-OTP-2112-1398.

³⁹ ICC-01/14-01/18-T-061-ENG, p. 74.

⁴⁰ ICC-01/14-01/18-1409-Conf, paras 59-61.

⁴¹ ICC-01/14-01/18-1409-Conf, paras 19 and 65.

⁴² ICC-01/14-01/18-T-242-ENG, p. 4, line 5 to p. 45, line 9.

⁴³ [REDACTED].

⁴⁴ ICC-01/14-01/18-2061-Conf-AnxA, p. 5, fn 4: "Cf the assertion made by(P-1521) that [REDACTED]: [REDACTED].

⁴⁵ ICC-01/14-01/18-T-081-CONF-ENG, p. 59, line 24. [REDACTED].

⁴⁶ ICC-01/14-01/18-T-081-CONF-ENG, p. 60, lines 8-9.

record speaks for itself – P-1521 [REDACTED]. Only [REDACTED]. This was [REDACTED]. [REDACTED]⁴⁷ includes [REDACTED]. This is probative that P-1521 was not lying [REDACTED]. It is neither fair to P-1521 to now suggest he was lying, nor does submitting these items advance the truth on this basis.

30. Additionally, as was noted via the Ngaïssona Defence objection at the time,⁴⁸ the Prosecution could have added the relevant items to its list of materials and put it to the witness at that time. The Prosecution should not try to contort its omission at the time into an issue that arises out of the hearings almost 2 years later.
31. Considering this attenuated relevance and/or probative value, the Chamber should reject the submission of the two items due to their prejudice. Particularly as concerns the [REDACTED], it contains [REDACTED] other phone numbers.⁴⁹ This is a voluminous amount of uncontextualized information that should not be referred to later in the proceedings. Here again, this is necessary to avoid a trial by ambush.

D. The [REDACTED]⁵⁰ that relates to attributing a phone number to P-2843 ([REDACTED])

32. As acknowledged by the Prosecution, [REDACTED] has been previously submitted⁵¹ and the Defence response is due on 29 September 2023.⁵²
33. Nevertheless, the Defence firstly objects to the submission of this item because it is too voluminous for the purpose of attributing one phone number. The item comprises 174 pages listing many email addresses and telephone numbers.

⁴⁷ CAR-OTP-2068-0034.

⁴⁸ ICC-01/14-01/18-T-081-CONF-ENG, p. 60, lines 9-23.

⁴⁹ CAR-OTP-2112-1405, tab “Contacts”, row 8.

⁵⁰ CAR-OTP-2130-5493.

⁵¹ ICC-01/14-01/18-2010-Conf-Anx, p. 22, item 42.

⁵² Email, sent 11 August 2023 at 18h15 subject ‘Decision on Regulation 35 Request for an extension of time to respond to the Prosecution’s Eleventh Bar Table Motion (ICC-01/14-01/18-2010)’.

34. Though publicly available, the item does not actually appear to be a public document. Official documents that are not publicly available from official sources (e.g. the website of an organisation or official publications) are not self-authenticating and must be certified by the relevant authority.⁵³
35. In any case, the Chamber should approach the reliability of this document with caution. The item is listed as open source – which is to say found in public; however, the website⁵⁴ from which it was retrieved does not provide any clarify as to its origin. It did not originate from [REDACTED], but rather was found on “[REDACTED]”. This appears to be either a document sharing website⁵⁵ or a website that crawls the internet for files which are then re-distributed to attract advertising revenue through turning up in search results. In short, the website from which [REDACTED] was obtained may be public, but it does not provide authentication of the item nor a chain of custody.
36. Given the circumstances of [REDACTED], the Chamber should not attribute probative value to the item. The Prosecution has not pointed to any basis in the document to consider that the information it seeks to use is contemporary or was accurate in 2013-2014. Moreover, other prejudice also militates against admission. At the time the Prosecution requested the addition of this item to its list of evidence,⁵⁶ it stated that the document would “prove useful to P-2843’s examination”⁵⁷ but the Chamber found that potential prejudice that could be caused to the Defence outweighed any potential significance.⁵⁸ There it is now prejudicial for the Prosecution to submit this item without discussing it with the witness who could have clarified some of the issues raised here.

⁵³ ICC-01/04-01/07-2635, para. 24(b).

⁵⁴ ICC-01/14-01/18-2010-Conf-Anx, p. 22. [REDACTED].

⁵⁵ [REDACTED].

⁵⁶ ICC-01/14-01/18-1164-Conf.

⁵⁷ ICC-01/14-01/18-1164-Conf, para. 7.

⁵⁸ ICC-01/14-01/18-T-073-CONF-ENG, p. 4, lines 13-18.

E. The Business card of [REDACTED]⁵⁹

37. The Defence notes that the item provides no indication as to the time frame in which the phone number was used.

IV. RELIEF SOUGHT

The Defence respectfully requests the Chamber to:

- **REJECT** the submission of CAR-OTP-2103-0675, CAR-OTP-2103-2375, CAR-OTP- 2103-2407, CAR-OTP- 2103-2529, CAR-OTP-2112-1405, CAR-OTP-2112-1398 and CAR-OTP-2130-5493 and **TAKE INTO ACCOUNT** the submissions concerning CAR-OTP-2136-0310 during deliberations;
- **OR IN THE ALTERNATIVE TAKE INTO ACCOUNT** the Defence's objections contained in the present response when the Chamber conducts its holistic assessment of the evidence during the deliberation of the judgment.

Respectfully submitted,



Mr Knoop, Lead Counsel for Patrice-Edouard Ngaïssona

Dated this 4 October 2023

At The Hague, the Netherlands.

⁵⁹ CAR-OTP-2136-0310.