



Original: **English**

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

Date: **20 November 2024**

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez
Judge Keebong Paek, Alternate 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, D and E

(Updated Annexes F, G, H, I and J of the original List of Evidence)

Public Redacted Version of “Prosecution’s Updated List of Evidence”, ICC-01/14-01/21-893-Conf, dated 15 November 2024

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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I. CONFIDENTIALITY

1. Pursuant to regulation 23bis(1) of the Regulations of the Court, Annexes A, B, C, D and F which are the updated Annexes F, G, H, I and J of the original List of Evidence (“Updated Annexes”) are filed as confidential because they contain information that would or may identify Prosecution witnesses or relate to otherwise confidential evidence. The Prosecution submits that they are of such a nature that no meaningful public redacted version is feasible.

II. SUBMISSIONS

2. The Prosecution hereby provides an updated List of Evidence (“LoE”) pursuant to Trial Chamber V’s Decision on the “Prosecution Request for Authorisation to Disclose Certain Transcripts in the case of the Prosecutor v. Mahamat Said Abdel Kani” dated 5 October 2021,¹ the updated LoE includes the court transcripts in the *Yekatom and Ngaissona* case of the testimony of P-2251,² P-2328,³ P-0291⁴ and P-0884,⁵ added to the ‘rule 68(3) witness materials’ Annex I.

3. Pursuant to Trial Chamber V’s Decision on the “Second Prosecution Request for Authorisation to Disclose Certain Transcripts in the case of The Prosecutor v. Mahamat Said Abdel Kani concerning P-0287, P-0801, P-0808, P-0876, P-0889, P-0992, P-0966, P-0975, P-1339, P-1521, P-1719, P-2232, P-2269, and P-2843” dated 7 June 2022,⁶ the updated LoE includes the court transcripts in the *Yekatom and Ngaissona* case of the testimony of P-0966,⁷

¹ See ICC-01/14-01/18-1129 (related to P- P-2251, P-2328, P-0291 and P-0884).

² P-2251 transcripts in *Yekatom and Ngaissona* case (4 items): CAR-OTP-00036233, CAR-OTP-00036234, CAR-OTP-00036235 and CAR-OTP-00036236 (disclosed in Trial INCRIM package 133 on 20 March 2024).

³ P-2328 transcripts in *Yekatom and Ngaissona* case (10 items): CAR-OTP-00036376, CAR-OTP-00036377, CAR-OTP-00036378, CAR-OTP-00036379, CAR-OTP-00036380, CAR-OTP-00036381, CAR-OTP-00036382, CAR-OTP-00036383, CAR-OTP-00036384 and CAR-OTP-00036385 (disclosed in Trial INCRIM package 138 on 8 May 2024).

⁴ P-0291 transcripts in *Yekatom and Ngaissona* case (6 items): CAR-OTP-00000891, CAR-OTP-00000892, CAR-OTP-00001091, CAR-OTP-00001094, CAR-OTP-00001092, CAR-OTP-00001093 (disclosed in Trial INCRIM package 132 on 15 March 2024).

⁵ P-0884 transcripts in *Yekatom and Ngaissona* case (10 items): CAR-OTP-00001059, CAR-OTP-00001058, CAR-OTP-00001095, CAR-OTP-00001096, CAR-OTP-00001102, CAR-OTP-00001100, CAR-OTP-00001098, CAR-OTP-00001099, CAR-OTP-00001097, CAR-OTP-00001101 (disclosed in Trial INCRIM package 133 on 20 March 2024).

⁶ See ICC-01/14-01/18-1448 (related to P-0966 and P-2232).

⁷ P-0966 transcripts in *Yekatom and Ngaissona* case (8 items): CAR-OTP-00000950, CAR-OTP-00000953, CAR-OTP-00000951, CAR-OTP-00000952, CAR-OTP-00001129, CAR-OTP-00001130, CAR-OTP-00036946 and CAR-OTP-00001128 (disclosed in Trial INCRIM package 166 on 24 September 2024).

added to the rule 68(2)(b) Annex H and of P-2232,⁸ added to the ‘*viva voce* witness materials’ Annex J.

4. Pursuant to Trial Chamber VI’s (“Chamber”) Decision on the “Prosecution’s Requests under Rule 68(3) to Introduce the Prior Recorded Testimony of P-3108, P-2400, P-2478 and P-0787” dated 11 October 2022,⁹ one witness P-3108 was rejected under rule 68(3) of the Rules of Procedure and Evidence (“Rules”) and testified *viva voce*. The updated LoE includes the prior recorded testimony and associated material of P-3108, added to the ‘*viva voce* witness materials’ Annex J.

5. Pursuant to the Chamber’s Decision on the “Prosecution’s First, Second and Fourth Requests Pursuant to Rule 68(2)(b) of the Rules” dated 20 October 2022,¹⁰ six witnesses P-1524, P-0491, P-0510, P-0662, P-1808 and P-1563, were rejected under rule 68(2)(b) of the Rules. Thus, five witnesses, P-1524, P-0491, P-0510, P-0662 and P-1808, testified under rule 68(3) of Rules and the updated LoE includes their prior recorded testimony and associated material, added to the ‘rule 68(3) witness materials’ Annex I; whereas one witness P-1563 testified *viva voce* therefore the updated LoE includes his prior recorded testimony and associated material, added to the ‘*viva voce* witness materials’ Annex J.

6. Pursuant to the Chamber’s Decision on the “Prosecution’s Requests under Rule 68(3) to Introduce the Prior Recorded Testimony of P-1429, P-1737, P-1762, P-0435, P-2692, P-2607, P-2504, P-3064, P-2241 and P-2161” dated 28 October 2022,¹¹ three witnesses P-1737, P-2161 and P-2504 were rejected under rule 68(3) of the Rules and testified *viva voce*. The updated LoE includes the prior recorded testimony and associated material of P-1737, P-2161 and P-2504, added to the ‘*viva voce* witness materials’ Annex J.

7. Pursuant to the Chamber’s oral Decision on the “Prosecution’s request to introduce prior recorded testimony pursuant to rule 68(3) and to include one item to the Prosecution’s List of

⁸ P-2232 transcripts in *Yekatom and Ngaissona* case (10 items): CAR-OTP-00036366, CAR-OTP-00036367, CAR-OTP-00036368, CAR-OTP-00036369, CAR-OTP-00036370, CAR-OTP-00036371, CAR-OTP-00036372, CAR-OTP-00036373, CAR-OTP-00036374 and CAR-OTP-00036375 (disclosed in Trial INCRIM package 138 on 8 May 2024).

⁹ See ICC-01/14-01/21-499-Conf (related to P-3108 rejected under rule 68(3)).

¹⁰ See ICC-01/14-01/21-507-Conf (related to P-1563, P-1524, P-0491, P-0510, P-0662 and P-1808 rejected under rule 68(2)(b)).

¹¹ See ICC-01/14-01/21-519-Conf (related to P-1737, P-2161 and P-2504 rejected under rule 68(3)).

Evidence” dated 16 November 2022,¹² the updated LoE includes one new item granted by the Chamber to be introduced under rule 68(3) of the Rules in relation to P-1429.¹³

8. Pursuant to the Chamber’s Decision on the “Prosecution’s Fifth Request Under Rule 68(2)(b) to Introduce the Prior recorded Testimony of P-1967 and P-2280” dated 16 November 2022,¹⁴ one witness P-1967 was rejected under rule 68(2)(b) of the Rules and testified under rule 68(3) of the Rules. The updated LoE includes the prior recorded testimony and associated material of P-1967, added to the ‘rule 68(3) witness materials’ Annex I.

9. Pursuant to the Chamber’s Decision on the “Prosecution’s Sixth Request Pursuant to Rule 68(2)(b) of the Rules” dated 21 November 2022,¹⁵ five witnesses P-0622, P-1289, P-2179, P-2519, and P-3047 were rejected under rule 68(2)(b) of the Rules and testified under rule 68(3) of the Rules. The updated LoE includes the prior recorded testimony and associated material of P-0622, P-1289, P-2179, P-2519, and P-3047, added to the ‘rule 68(3) witness materials’ Annex J.

10. Pursuant to the Chamber’s Decision on the “Prosecution’s Requests Pursuant to Rule 68(2)(b) of the Rules to Introduce the Prior recorded Testimony of P-0358, P-1180, P-2263 and P-2295” dated 21 November 2022,¹⁶ three witnesses P-0358, P-1180 and P-2263 were rejected under rule 68(2)(b) of the Rules and testified under rule 68(3) of the Rules. The updated LoE includes the prior recorded testimony and associated material of P-0358, P-1180 and P-2263, added to the ‘rule 68(3) witness materials’ Annex I.

11. Pursuant to the Chamber’s Decision on the “Prosecution’s Request under Rule 68(3) to Introduce the Prior Recorded Testimony of P-2931, P-0481, P-0349, P-2328, P-0834, P-2573, P-2232, P-0884, P-2251 and P-0291” dated 12 December 2022,¹⁷ two witnesses P-2573 and P-0481 were rejected under rule 68(3) of the Rules and testified *viva voce*. The updated LoE

¹² ICC-01/14-01/21-T-040-CONF-ENG CT2, p. 2, l. 17 to p. 4, l. 15 (related to P-1429).

¹³ CAR-OTP-2135-3837 (P-1429 victim application) at ERN pages 3849 and 3850 ([REDACTED]).

¹⁴ See ICC-01/14-01/21-551-Conf (related to P-1967 rejected under rule 68(2)(b)).

¹⁵ See ICC-01/14-01/21-555-Conf (related to P-0622, P-1289, P-2179, P-2519 and P-3047 rejected under rule 68(2)(b)).

¹⁶ See ICC-01/14-01/21-556-Conf (related to P-0358, P-1180 and P-2263 rejected under rule 68(2)(b)).

¹⁷ See ICC-01/14-01/21-571-Conf (related to P-2573 and P-0481 rejected under rule 68(3)).

includes the prior recorded testimony and associated material of P-2573 and P-0481, added to the ‘*viva voce* witness materials’ Annex J.

12. Pursuant to the Chamber’s “Directions on the Conduct of Proceedings” dated 9 March 2022,¹⁸ and its Decision on the “Prosecution’s Requests under Rule 68(3) to Introduce the Prior Recorded Testimony of P-2931, P-0481, P-0349, P-2328, P-0834, P-2573, P-2232, P-0884, P-2251 and P-0291” dated 12 December 2022,¹⁹ the updated LoE includes one new item granted by the Chamber to be introduced under rule 68(3) of the Rules in relation to P-0291.²⁰

13. Pursuant to the Chamber’s oral Decision on the “Prosecution’s request to introduce prior recorded testimony pursuant to rule 68(3) and to include two items to the Prosecution’s List of Evidence” dated 13 December 2022,²¹ the updated LoE includes two new items granted by the Chamber to be introduced under rule 68(3) of the Rules in relation to P-2692.²²

14. Pursuant to the Chamber’s oral Decision on the “Prosecution’s request to introduce prior recorded testimony pursuant to rule 68(3) and to include four items to the Prosecution’s List of Evidence” dated 18 January 2023,²³ the updated LoE includes four new items granted by the Chamber to be introduced under rule 68(3) of the Rules in relation to P-2931.²⁴

15. Pursuant to Trial Chamber V’s Decision on the “Fourth Prosecution Request for Authorisation to Disclose Certain Transcripts and Materials in the case of The Prosecutor v. Mahamat Said Abdel Kani concerning witness P-1339” dated 27 January 2023,²⁵ the updated LoE includes the court transcripts in the *Yekatom and Ngaissona* case of the testimony of P-1339, added to the ‘*viva voce* witness materials’ Annex J.²⁶

¹⁸ See ICC-01/14-01/21-251, para. 24 (“In principle, recognising the formal submission of audio-video material automatically includes recognizing the formal submission of any associated transcripts or translations which were duly disclosed”).

¹⁹ See ICC-01/14-01/21-571-Conf (related to P-0291 allowed under rule 68(3)).

²⁰ CAR-OTP-00036165 (transcript of audio/ video material at CAR-OTP-2023-1548 listed in P-0291 list of material).

²¹ ICC-01/14-01/21-T-043-CONF-ENG CT2, p. 4, l. 10 to p. 5, l. 22 (related to P-2692).

²² CAR-OTP-2135-3812 (P-2692 victim application) at ERN pages 3824 and 3825 (P-2692 photographs of scars).

²³ ICC-01/14-01/21-T-046-CONF-ENG CT2, p. 2, l. 15 to p. 5, l. 16 (related to P-2931).

²⁴ CAR-OTP-2128-0747 (military ID card of [REDACTED]); CAR-OTP-00000803 (annotated photo by P-2931); CAR-OTP-00000804 (annotated photo by P-2931); CAR-OTP-00000805 (annotated photo by P-2931).

²⁵ See ICC-01/14-01/18-1736 (related to P-1339 called to testify *viva voce*).

²⁶ P-1339 transcripts in *Yekatom and Ngaissona* case (40 items): ET and CT versions of FRA and ENG transcripts.

16. Pursuant to the Chamber's Decision on the "Prosecution's request under Rule 68(2)(c) to introduce the prior recorded testimony of two Witnesses" dated 2 October 2023,²⁷ the updated LoE includes seven new items granted by the Chamber to be introduced under rule 68(2)(c) of the Rules in relation to P-2269.²⁸

17. Pursuant to the Chamber's Decision on the "Prosecution's Request under Rule 68(3) to Introduce the Prior Recorded Testimony of P-1339 and Order in respect of Related Matters" dated 31 January 2024,²⁹ three witnesses P-3064, P-1339 and P-2232 were rejected under rule 68(3) of the Rules and testified *viva voce*. The updated LoE includes the materials related to P-3064, P-1339 and P-2232, added to the 'viva voce witness materials' Annex J.

18. Pursuant to the Chamber's oral Decision dated 6 February 2024,³⁰ the updated LoE includes one new item granted by the Chamber to be introduced under rule 68(3) of the Rules in relation to P-2519.³¹

19. Pursuant to the Chamber's Decision on the "Prosecution's Applications for Submission of Documents from the Bar Table" dated 13 February 2024,³² the updated LoE includes an integrated version of the 76 page SRI register with a single ERN³³ replacing the same 76 pages registered separately under PRF #40633 between ERN documents CAR-OTP-2124-0318 and CAR-OTP-2124-0393.³⁴ The Prosecution has excluded from its updated LoE two items, the cover pages³⁵ of the previously registered SRI register. The Prosecution confirms it has not left out any substantive entries in the re-submitted SRI register. On review, handwritten annotations of each page number are found in red ink on each page of the SRI register from page 1 to 71³⁶ with only blank pages from page 64 to 71.³⁷ The Prosecution notes that, the SRI register

²⁷ See ICC-01/14-01/21-637-Conf (related to P-2269 allowed under rule 68(2)(c)).

²⁸ CAR-OTP-2111-0336 (P-2269 statement), CAR-OTP-2118-2197 (translation of P-2269 statement), CAR-OTP-2111-0362 (P-2269 annex A), CAR-OTP-2111-0364 (P-2269 annex B), CAR-OTP-2111-0365 (P-2269 annex C), CAR-OTP-2111-0367 (P-2269 annex D), CAR-OTP-2111-0481 (ID report on P-2269 clarification of statement).

²⁹ See ICC-01/14-01/21-685-Conf, paras. 26, 30, 32 (related to P-1339, P-3064 and P-2232 called to testify *viva voce*).

³⁰ ICC-01/14-01/21-T-053-CONF-ENG ET, p.4, line 19 to p.5, line 2 (related to P-2519 allowed under rule 68(3)).

³¹ CAR-OTP-00025568 (P-2519 victim application).

³² See ICC-01/14-01/21-694, paras. 110-112 (related to SRI register).

³³ CAR-OTP-00036101 (SRI register).

³⁴ See ICC-01/14-01/21-325-Conf, para. 6 and ICC-01/14-01/21-325-Conf-AnxB (Bar Table Motion 6 – Open source).

³⁵ CAR-OTP-2124-0318 and CAR-OTP-2124-0393 (cover pages of previously registered SRI register).

³⁶ CAR-OTP-00036101 at ERN page 0320 (page 1) to ERN page 0391 (page 71)

³⁷ CAR-OTP-00036101 at ERN page 0383 (page 64) to ERN page 0391 (page 71).

contains chronological entries for every day starting on 30 September 2013 until 6 December 2013 from page 2 to 60³⁸ and then on 12 December 2013, 17 and 18 and 19 December 2013 from page 61 to 63.³⁹ The Prosecution also notes that there are entries made on 7 and 8 December 2013 at page 60⁴⁰ and on 20 December 2013 at page 63⁴¹ which shows that accounting of pre-trial detainees in custody at the facility was made beyond the recorded chronological date of 6 December and 19 December 2013.⁴² Finally, knowing that the SRI HQ [REDACTED],⁴³ the Prosecution is not aware of any other specific reason of why certain pages are blank or why certain chronological entries or dates are missing from the SRI register. The Prosecution found and collected the SRI register in this form and state.

20. Pursuant to Trial Chamber V's Decision on the "Prosecution Request for Authorisation to Disclose the Transcripts of D30-4756's Testimony to the Said Defence" dated 8 May 2024,⁴⁴ the updated LoE includes the court transcripts in the *Yekatom and Ngaissona* case of the testimony of P-0119, added to the 'viva voce witness materials' Annex J.⁴⁵

21. Pursuant to the Chamber's Decision on the "Defence's Requests in Respect of P-2573" dated 7 July 2024,⁴⁶ the updated LoE includes three new items granted by the Chamber in relation to P-2573 who testified *viva voce*.⁴⁷

22. Pursuant to the Chamber's Decision on the "Certification of Accompanying Declarations Made by Witnesses pursuant to Rule 68(2)(b) of the Rules" dated 2 August 2024,⁴⁸ two witnesses P-0529 and P-2239 were rejected under rule 68(2)(b) of the Rules and testified under rule 68(3) of the Rules. The updated LoE includes the prior recorded testimony and associated material of P-0529 and P-2239, added to the 'rule 68(3) witness materials' annex J. Furthermore, it includes the prior recorded testimony as amended by the witnesses during the

³⁸ CAR-OTP-00036101 at ERN page 0321 (page 2) to ERN page 0379 (page 60).

³⁹ CAR-OTP-00036101 at ERN page 0380 (page 61) to ERN page 0382 (page 63).

⁴⁰ CAR-OTP-00036101 at ERN page 0379, counts 18-20 (page 60): "[REDACTED]".

⁴¹ CAR-OTP-00036101 at ERN page 0382, count 09 (page 63): "[REDACTED]".

⁴² CAR-OTP-00036101 at ERN page 0379 (page 60).

⁴³ CAR-OTP-2124-0316 (ID report on obtaining SRI 'registre de garde a vue').

⁴⁴ See ICC-01/14-01/18-2487 (related to P-0119 called to testify *viva voce*).

⁴⁵ P-0119 transcripts in *Yekatom and Ngaissona* case (4 items): CAR-OTP-00036308, CAR-OTP-000363089, CAR-OTP-000363010 and CAR-OTP-000363011 (disclosed in Trial INCRIM package 139 on 15 May 2024).

⁴⁶ See ICC-01/14-01/21-801 (related to P-2573 called to testify *viva voce*).

⁴⁷ CAR-OTP-00036286 (P-2573 ID card), CAR-OTP-00036287 (P-2573 certificate of CAR nationality) and CAR-OTP-2055-2610 (audio/ video material).

⁴⁸ See ICC-01/14-01/21-833-Conf (related to P-0529 and P-2239 allowed under rule 68(3) and to P-0100, P-0882, P-1427, P-1432, P-1523, P-1970, P-2042, P-2087, P-0966, P-1825, P-2337 allowed under rule 68(2)(b)).

certification process of P-0100, P-0882, P-1427, P-1432, P-1523, P-1970, P-2042, P-2087, P-0966, P-1825 and P-2337,⁴⁹ added to the ‘rule 68(2)(b) witness materials’ annex I.

23. Pursuant to the Chamber’s oral Decision dated 30 August 2024,⁵⁰ the updated LoE includes three new items granted by the Chamber in relation to P-2232 who testified *viva voce*.⁵¹

24. In its notification via e-mail dated 16 September 2024,⁵² the Prosecution informed the Chamber that it shall not be calling Witness P-2172 [REDACTED] *inter alia*. The updated LoE no longer contains material related to P-2172.⁵³

25. Pursuant to the Chamber’s Decision on the “Certification Procedure pursuant to Rule 68(2)(b) of the Rules concerning Witness P-2386” dated 3 October 2024,⁵⁴ the updated LoE includes the prior recorded testimony as amended by P-2386 during the certification process,⁵⁵ added to the ‘rule 68(2)(b) witness materials’ annex I.

26. Pursuant to the Chamber’s Decision on the “Prosecution’s request pursuant to regulation 35 to add four items to its list of evidence (ICC-01/14-01/21-868-Conf)” dated 7 October 2024,⁵⁶ the updated LoE includes four new items granted by the Chamber in relation to P-3112 who testified *viva voce*.⁵⁷ Furthermore, pursuant to the Chamber’s oral Decision dated 14 October 2024,⁵⁸ the updated LoE includes new items granted by the Chamber in relation to P-3112. There are 280 items referenced in the OCRB report by P-3112 at CAR-OTP-2062-0743

⁴⁹ CAR-OTP-00036899 (P-0100 amendment to testimony), CAR-OTP-00036892 (P-0882 amendment to testimony), CAR-OTP-00036894 (P-1427 amendment to testimony), CAR-OTP-00036895 (P-1432 amendment to testimony), CAR-OTP-00036891 (P-1523 amendment to testimony), CAR-OTP-00036896 (P-1970 amendment to testimony), CAR-OTP-00036897 (P-2042 amendment to testimony), CAR-OTP-00036898 (P-2087 amendment to testimony), CAR-OTP-00036900 (P-0966 amendment to testimony), CAR-OTP-00036893 (P-1825 amendment to testimony), CAR-OTP-00036901 (P-2337 amendment to testimony).

⁵⁰ ICC-01/14-01/21-T-104-CONF-ENG, p. 4, l. 25 to p. 5, l. 22 (related to P-2232 to testify *viva voce*).

⁵¹ CAR-OTP-00000705 (P-2232 unredacted CDR attribution), CAR-OTP-00000704 (P-2232 unredacted CDR report) and CAR-OTP-2112-1449 (CDR cited in P-2232 CDR report at CAR-OTP-0000704).

⁵² Email from Prosecution on 16 September 2024 at 15:02 “240916 - Provision of the schedule of witness appearance” (related to P-2172).

⁵³ CAR-OTP-2130-6313 (P-2172 statement).

⁵⁴ See ICC-01/14-01/21-869 (related to P-2386).

⁵⁵ CAR-OTP-00037529 (P-2386 amendment to testimony under rule 68(2)(b) certification).

⁵⁶ Email from Trial Chamber VI Communications on 07 October 2024 at 21:07 “Decision on the Prosecution’s request pursuant to regulation 35 to add Four items to its list of evidence (ICC-01/14-01/21-868-Conf)” (related to P-3112).

⁵⁷ CAR-OTP-2033-6946, CAR-OTP-2033-6948, CAR-OTP-2033-6955 and CAR-OTP-2033-6979 (OCRB photographs).

⁵⁸ ICC-01/14-01/21-T-122-CONF-ENG ET, p. 25, l. 12-23 (related to P-3112).

and out of these, 197 items are OCRB photographs added to the LoE following the Chamber's authorization.

27. Pursuant to the Chamber's oral Decision dated 2 November 2022 requiring the Prosecution to request the authorisation pursuant to rule 68(3) of the Rules to introduce any additional information provided by the witness that did not form part of the prior recorded testimony previously ruled on by the Chamber,⁵⁹ the Prosecution's requests to introduce the prior recorded testimony pursuant to rule 68(3) of witnesses to testify pursuant to rule 68(3) were granted by the Chamber on multiple dates.⁶⁰ Thus, the updated LoE includes 49 new items, the annexes to the witness preparation logs in relation to 33 witnesses – P-2400, P-2240, P-2478, P-0787, P-1429, P-0435, P-2607, P-2692, P-2931, P-2241, P-0662, P-2519, P-2179, P-1524, P-2263, P-0291, P-3047, P-2251, P-1180, P-0510, P-0358, P-0622, P-0884, P-1762, P-1808, P-1967, P-0349, P-0491, P-0529, P-2239, P-0834 and P-2328,⁶¹ added to the 'rule 68(3) witness materials' annex J.

⁵⁹ ICC-01/14-01/21-T-030-CONF-ENG CT2, p. 30, l. 20 to p. 31, l. 5 (related to rule 68(3) witnesses).

⁶⁰ ICC-01/14-01/21-T-031-CONF-ENG CT2, p. 49, l. 8 to p. 51, l. 7 (related to P-2400); ICC-01/14-01/21-T-031-CONF-ENG CT2, p. 64, l. 19-20 (related to P-2240); ICC-01/14-01/21-T-033-CONF-ENG CT, p. 2, l. 10 to p. 4, l. 8 (related to P-2478); ICC-01/14-01/21-T-037-CONF-ENG CT, p. 6, l. 20 to p. 8, l. 22 (related to P-0787); ICC-01/14-01/21-T-040-CONF-ENG CT2, p. 2, l. 17 to p. 4, l. 15 (related to P-1429); ICC-01/14-01/21-T-041-CONF-ENG CT, p. 2, l. 14 to p. 4, l. 17 (related to P-0435); ICC-01/14-01/21-T-042-CONF-ENG CT2, p. 2, l. 14 to p. 5, l. 9 (related to P-2607); ICC-01/14-01/21-T-043-CONF-ENG CT2, p. 4, l. 10 to p. 5, l. 22 (related to P-2692); ICC-01/14-01/21-T-046-CONF-ENG CT2, p. 2, l. 15 to p. 5, l. 16 (related to P-2931); ICC-01/14-01/21-T-048-CONF-ENG CT2, p. 3, l. 22 to p. 5, l. 7 (related to P-2241); ICC-01/14-01/21-T-052-CONF-ENG CT, p. 2, l. 24 to p. 5, l. 12 (related to P-0662); ICC-01/14-01/21-T-053-CONF-ENG CT2, p. 2, l. 22 to p. 5, l. 5 (related to P-2519); ICC-01/14-01/21-T-054-CONF-ENG CT, p. 11, l. 19-25 (related to P-2179); ICC-01/14-01/21-T-056-CONF-ENG CT, p. 2, l. 25 to p. 5, l. 10 and p. 17, l. 10-15 (related to P-1524); ICC-01/14-01/21-T-058-CONF-ENG CT, p. 3, l. 2 to p. 4, l. 16 and p. 21, l. 1-6 (related to P-2263); ICC-01/14-01/21-T-060-CONF-ENG CT, p. 9, l. 9-14 (related to P-0291); ICC-01/14-01/21-T-065-CONF-ENG CT, p. 14, l. 10-14 (related to P-3047); ICC-01/14-01/21-T-066-CONF-ENG CT, p. 42, l. 14-18 (related to P-2251); ICC-01/14-01/21-T-068-CONF-ENG CT, p. 11, l. 13-15 (related to P-1180); ICC-01/14-01/21-T-069-CONF-ENG CT, p. 16, l. 14-19 (related to P-0510); ICC-01/14-01/21-T-070-CONF-ENG CT, p. 12, l. 17-20 (related to P-0358); ICC-01/14-01/21-T-071-CONF-ENG CT, p. 12, l. 17-20 (related to P-0622); ICC-01/14-01/21-T-076-CONF-ENG CT, p. 39, l. 23 to p. 40, l. 2 (related to P-0884); ICC-01/14-01/21-T-080-CONF-ENG CT, p. 15, l. 19-23 (related to P-1762); ICC-01/14-01/21-T-085-CONF-ENG CT, p. 10, l. 22 to p. 11, l. 1 (related to P-1808); ICC-01/14-01/21-T-093-CONF-ENG CT, p. 49, l. 3-8 (related to P-1967); ICC-01/14-01/21-T-095-CONF-ENG CT, p. 14, l. 11-16 (related to P-0349); ICC-01/14-01/21-T-099-CONF-ENG CT, p. 11, l. 14-19 (related to P-0491); ICC-01/14-01/21-T-118-CONF-ENG ET, p. 21, l. 13-18 (related to P-0529); ICC-01/14-01/21-T-122-CONF-ENG ET, p. 46, l. 3-9 (related to P-2239); ICC-01/14-01/21-T-127-CONF-ENG ET, p. 11, l. 20-24 (related to P-0834); ICC-01/14-01/21-T-128-CONF-ENG RT, p. 10, l. 9-16 (related to P-2328).

⁶¹ CAR-OTP-00000458 (P-2400 witness preparation log), CAR-OTP-00000455 (P-2240 witness preparation log), CAR-OTP-00000461 (P-2478 witness preparation log), CAR-OTP-00000594 (P-0787 witness preparation log), CAR-OTP-00000590 (ENG) and CAR-OTP-00000591 (FRA) (P-1429 preparation log), CAR-OTP-00000620 (P-0435 witness preparation log), CAR-OTP-00000751 (P-2607 witness preparation log), CAR-OTP-00000767 (ENG) and CAR-OTP-00000768 (FRA) (P-2692 witness preparation log), CAR-OTP-00000784 (FRA) and CAR-OTP-00000785 (ENG) (P-1737 witness preparation log), CAR-OTP-00000802 (P-2931 witness preparation log), CAR-OTP-00025608 (P-2241 witness preparation log), CAR-OTP-00025624 (P-0662 witness preparation

28. For ease of reference, the Annexes to this filing are submitted as follows:

- **Annex A:** Updated Annex F – Items related to Bar Table Motion 6 – ‘Open source’ - including the new item SRI register; and excluding two items related to the previously registered SRI register;
- **Annex B:** Updated Annex G – Items related to Rule 68(2)(c) witnesses including the materials related to P-2269;
- **Annex C:** Second Updated Annex H – Items related to Rule 68(2)(b) witnesses including the new items related to 12 witnesses – P-0100, P-0882, P-1427, P-1432, P-1523, P-1970, P-2042, P-2087, P-0966, P-1825, P-2337 and P-2386; and excluding the materials related to 17 witnesses rejected under rule 68(2)(b) of the Rules - P-1524, P-0491, P-0510, P-0662, P-1808, P-1967, P-0622, P-1289, P-2179, P-2519, P-3047, P-0358, P-1180, P-2263, P-0529, P-2239 and P-1563; and excluding the materials related to one witness P-2172 rejected under rule 68(2)(b) and no longer to be called by the Prosecution to testify *viva voce*; and excluding the materials related to one witness P-2269 allowed to be introduced under rule 68(2)(c);
- **Annex D:** Third Updated Annex I – ‘Items related to Rule 68(3) witnesses’ including the new items related to 33 witnesses - P-2400, P-2240, P-2478, P-0787, P-1429, P-0435, P-2607, P-2692, P-1737, P-2931, P-2241, P-0662, P-2519, P-2179, P-1524, P-2263, P-0291, P-3047, P-2251, P-1180, P-0510, P-0358, P-0622, P-0884, P-1762, P-1808, P-1967, P-0349, P-0491, P-0529, P-2239, P-0834 and P-2328; and adding the materials related to 16 witnesses allowed to be introduced under rule 68(3) - P-1524, P-0491, P-

log), CAR-OTP-00025695 (FRA) and CAR-OTP-00025636 (ENG) (P-2519 witness preparation log), CAR-OTP-00036103 (P-2179 witness preparation log), CAR-OTP-0003108 (ENG) (P-1524 witness preparation log), CAR-OTP-00036091 (FRA) and CAR-OTP-00036082 (ENG) (P-2263 witness preparation log), CAR-OTP-00036111 (P-0291 witness preparation log), CAR-OTP-00036203 (P-3047 witness preparation log), CAR-OTP-00036201 (P-2251 witness preparation log), CAR-OTP-00036352 (FRA) and CAR-OTP-00036345 (ENG) (P-1180 witness preparation log), CAR-OTP-00036314 (ENG) and CAR-OTP-00036341 (FRA) (P-0510 witness preparation log), CAR-OTP-00036351 (FRA) and CAR-OTP-00036349 (ENG) and CAR-OTP-00036418 (ENG) (P-0358 witness preparation log), CAR-OTP-00036079 (P-0622 witness preparation log), CAR-OTP-00036476 (P-0884 witness preparation log), CAR-OTP-00036537 (P-1762 witness preparation log), CAR-OTP-00036252 (ENG) and CAR-OTP-00036312 (FRA) (P-1808 witness preparation log), CAR-OTP-00036760 (FRA) and CAR-OTP-00036751 (annex A) and CAR-OTP-00036752 (annex B) (P-1967 witness preparation log), CAR-OTP-00036703 (ENG) and CAR-OTP-00036719 (FRA) (P-0349 witness preparation log), CAR-OTP-00036773 (P-0491 witness preparation log), CAR-OTP-00037497 (ENG) (P-0529 witness preparation log), CAR-OTP-00037514 (ENG) and CAR-OTP-00037517 (FRA) (P-2239 witness preparation log), CAR-OTP-00036531 (P-0834 witness preparation log), CAR-OTP-00037536 (FRA) and CAR-OTP-00037531 (ENG) (P-2328 witness preparation log).

0510, P-0662, P-1808, P-1967, P-0622, P-1289, P-2179, P-2519, P-3047, P-0358, P-1180, P-2263, P-0529 and P-2239; but excluding the materials related to nine witnesses P-3108, P-1737, P-2161, P-2504, P-2573, P-0481, P-3064, P-1339 and P-2232 rejected under rule 68(3);

- **Annex E:** Second Updated Annex J – Items related to *viva voce* witnesses including the new items related to five witnesses - P-1339, P-0119, P-2573, P-2232 and P-3112; and adding the materials related to ten witnesses - P-3108, P-1563, P-1737, P-2161, P-2504, P-2573, P-0481, P-3064, P-1339 and P-2232 who testified *viva voce*.

29. The Prosecution reserves the right to request further additions to the updated LoE.



Karim A. A. Khan KC, Prosecutor

Dated this 20th of November 2024
At The Hague, The Netherlands