

ANNEX 1

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Version

From: Trial Chamber V Communications
Sent: 10 October 2022 17:09
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaïssona 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 Submitted Materials for P-0889
Attachments: Ngaïssona Defence Submission of Evidence following P-0889's testimony

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the emails on the submission of evidence following the examination of P-0889 by the Ngaïssona Defence (see email attached) and the Prosecution, as well as the responses by the Ngaïssona Defence and the Yekatom Defence (the 'Defence'), and the Prosecution's reply thereto (see emails below).

At the outset, the Chamber notes that items CAR-D30-0008-0041, CAR-D30-0008-0086, CAR-OTP-2039-0019, CAR-OTP-2039-0024, CAR-OTP-2084-0166, CAR-OTP-2084-0173, CAR-OTP-2091-0455, CAR-D30-0003-0001, CAR-OTP-2131-1012, CAR-OTP-2131-5154, CAR-OTP-2131-6832, CAR-OTP-2132-7226, CAR-OTP-2132-7764, CAR-OTP-2133-2735, CAR-OTP-2133-2741 and CAR-OTP-2133-8109 have already been recognised as formally submitted by the Chamber. It recalls that therefore it need not rule on the abovementioned items again.

With regard to item **CAR-OTP-2127-0655**, included in the Prosecution's email and opposed by the Defence, the Chamber notes that it consists of the [REDACTED], and that it contains references to the statements provided by P-0889 to the authorities as well as the transcript of [REDACTED] interview. The Chamber therefore notes that this item, as indicated by the Presiding Judge during P-0889's hearing, is testimonial in nature (see transcript of hearing, 9 March 2022, ICC-01/14-01/18-T-108-CONF-ENG (hereinafter: 'T-108'), p. 19, lines 11-21) and that, as such, it is 'inadmissible [...] when not elicited orally or when the conditions for the introduction of the prior recorded testimony specifically provided for in the Court's applicable law are not met' (Initial Directions on the Conduct of the Proceedings, 28 August 2020, ICC-01/14-01/18-631 (the 'Initial Directions'), para. 56). The Chamber therefore rejects the Prosecution's request to consider item CAR-OTP-2127-0655 as formally submitted. It notes, however, that following the Presiding Judge's direction, the Prosecution read out portions of the item to the witness during the hearing (see T-108, p. 45, line 10 to p. 48, line 6).

With regard to item **CAR-OTP-2127-3304**, also included in the Prosecution's email and opposed by the Defence, the Chamber notes that it consists of a list of phone contacts extracted from P-0889's mobile phone. In relation to the arguments raised by the Defence, the Chamber first notes that P-0889 confirmed during the hearing that his mobile phone had been seized and that the contacts included in the item and shown to him were correct (T-108, p. 8, line 13 to p. 17, line 17). Second, the Chamber recalls that it rejected the Ngaïssona Defence's request to order the Prosecution to disclose the digital extraction report of the phone in question, among other devices, finding that the Prosecution had already provided the Defence with relevant information about the extraction process of the list of phone contacts, as well as basic information concerning the search and seizure operation of P-0889's devices (Decision on the Ngaïssona Defence Request for Disclosure of Reports related to Seizure of Digital Materials from P-0889, 30 May 2022, ICC-01/14-01/18-1438-Conf, paras 16, 20, p. 10). Third, the Chamber further recalls that as part of its deliberation of the judgment pursuant to Article 74(2) of the Statute, it will assess the evidence holistically, and in that context consider the relevance and probative value of the items of evidence submitted at trial, including any related arguments raised by the participants in the proceedings (Initial Directions, para. 53). Moreover, it notes that there also do not appear to be any procedural bars, obstacles or preconditions in relation to the item which would require the Chamber to rule on the admissibility of these items at this stage (Initial Directions, para. 54). The Chamber therefore grants the Prosecution's request to consider CAR-OTP-2127-3304 as formally submitted.

In light of the above, the Chamber recognises as formally submitted the following items:

CAR-D30-0006-0049
 CAR-D30-0006-0051
 CAR-D30-0008-0037
 CAR-D30-0009-0003
 CAR-OTP-2087-9108
 CAR-OTP-2093-0326
 CAR-OTP-2100-0540
 CAR-OTP-2108-0050
 CAR-OTP-2117-0704
 CAR-OTP-2124-1236
 CAR-OTP-2124-1244
 CAR-OTP-2127-3304

In addition, the Chamber confirms that the requirements of Rule 68(3) of the Rules have been met for the following items:

CAR-OTP-2135-1706	CAR-OTP-2122-8112	CAR-OTP-2124-1214
CAR-OTP-2027-2290	CAR-OTP-2122-8146	CAR-OTP-2124-1220
CAR-OTP-2034-0463	CAR-OTP-2122-8194	CAR-OTP-2124-1222
CAR-OTP-2122-7517	CAR-OTP-2122-8230	CAR-OTP-2124-1223
CAR-OTP-2122-7554	CAR-OTP-2027-2311	CAR-OTP-2124-1224
CAR-OTP-2122-7576	CAR-OTP-2030-0230	CAR-OTP-2124-1225
CAR-OTP-2122-7600	CAR-OTP-2030-0231	CAR-OTP-2124-1231
CAR-OTP-2122-7626	CAR-OTP-2030-0239	CAR-OTP-2124-1237
CAR-OTP-2122-7653	CAR-OTP-2030-0241	CAR-OTP-2124-1240
CAR-OTP-2122-7684	CAR-OTP-2030-0244	CAR-OTP-2124-1241
CAR-OTP-2122-7740	CAR-OTP-2030-0252	CAR-OTP-2124-1251
CAR-OTP-2122-7781	CAR-OTP-2030-0255	CAR-OTP-2124-1252
CAR-OTP-2122-7825	CAR-OTP-2030-0265	CAR-OTP-2124-1253
CAR-OTP-2122-7872	CAR-OTP-2030-0269	CAR-OTP-2124-1254
CAR-OTP-2122-7919	CAR-OTP-2030-0274	CAR-OTP-2124-1255
CAR-OTP-2122-7962	CAR-OTP-2030-0276	CAR-OTP-2124-1256
CAR-OTP-2122-7992	CAR-OTP-2030-0278	CAR-OTP-2127-0708
CAR-OTP-2122-8002	CAR-OTP-2030-0282	CAR-OTP-2127-1332
CAR-OTP-2122-8036	CAR-OTP-2124-1211	CAR-OTP-2127-1334
CAR-OTP-2122-8079	CAR-OTP-2124-1213	CAR-OTP-2127-1354

The Registry is directed to proceed in accordance with paragraph 63(v) of the Initial Directions, ICC-01/14-01/18-631.

Kind regards, TC V

From: [REDACTED]

Sent: 24 March 2022 17:21

To: [REDACTED] Trial Chamber V Communications

Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team

<[REDACTED]>; V44 LRV Team OPCV [REDACTED]; V44 LRV Team

[REDACTED] V45 LRV Team [REDACTED]; OTP CAR IIB Case Management

[REDACTED]; OTP CAR IIB Operations [REDACTED]; Associate

Legal Officer-Court Officer [REDACTED]

Subject: RE: OTP List of documents to be submitted through P-0889

Dear Trial Chamber V,

Dear All,

In respect of the observations by both Defence teams, the Prosecution notes the following:

CAR-OTP-2127-0655

Contrary to the Defence's position, the document does not constitute prior recorded testimony within the meaning of rule 68(3). The fact that the document contains recitations of facts or events relevant to this case, or even a transcript of information provided in the context of an [REDACTED] (which is unrelated to the present case), and that is appropriately documented as part of a legal file or report, does not transform the legal file or report into prior recorded testimony. Moreover, and contrary to the Defence's position, the conditions of its submissions have been met. P-0889 has recognised the document, and has confirmed that he provided the information during his [REDACTED] (T-108, CONF-ENG, p.17, ln.25- p.18, ln.6). He has also confirmed the veracity of the portions put to him during his examination (T-108, CONF-ENG, pp.45-47). Accordingly, the conditions for its formal submission are met.

CAR-OTP-2127-3304

Contrary to the Defence's position, the Prosecution submits that, at this stage, where the Chamber has expressly reserved and deferred its assessment of the standard evidentiary criteria, and in view of the totality of the circumstances and information available to it at the end of the trial, the objection has no merit and cannot result in precluding the formal submission of the item. Authenticity and reliability are deferred by definition at this stage in respect of the recognition of formal submission. The Defence arguments go (at best) to the weight of the evidence. P-0889 has confirmed the seizure of his [REDACTED], has recognised the contacts in that phone, and has confirmed that the telephone numbers in his phone are correct (T-108, CONF-ENG, p.8, ln.17-p.9, ln.5 and further). The witness thus attested to the circumstances of the seizure and did not contest the data obtained, nor did the Defence effectively establish any contrary inference during its examination. Apart, contrary to the Defence's assertions, the relevance of the contact information is inherent in the contacts themselves. Moreover, the Prosecution is under no obligation to identify for the benefit of the Defence why it believes certain evidence is relevant, particularly where the Defence is perfectly capable of determining this from the most cursory examination of the item concerned. Additionally, to the extent that one basis of relevance for a given document exists, that alone is *prima facie* a sufficient basis to receive it. Accordingly, the conditions for its formal submission are met.

8 Facebook records: CAR-OTP-2131-5154, CAR-OTP-2131-6832, CAR-OTP-2132-7226, CAR-OTP-2132-7764, CAR-OTP-2133-2735, CAR-OTP-2133-2741, and CAR-OTP-2133-8109

All eight Facebook records were presented to P-0889 during his testimony, and P-0889 confirmed that he communicated on Facebook with the interlocutors concerned:

- CAR-OTP-2131-5154: T-108, CONF-ENG, p.20, lns.13-22;
- CAR-OTP-2131-6832: T-108, CONF-ENG, p.25, lns.21-24;
- CAR-OTP-2132-7226: T-108, CONF-ENG, p.43, lns.18-23;
- CAR-OTP-2132-7764: T-108, CONF-ENG, p.21, lns.7-13;
- CAR-OTP-2133-2735: T-108, CONF-ENG, p.21, ln.23-p.22, ln.14;
- CAR-OTP-2133-2741: T-108, CONF-ENG, p.50, ln.2-8;
- CAR-OTP-2133-8109: T-108, CONF-ENG, p.23, ln.14-19.

In addition, within the time-frame available for the examination-in-chief, the content of some of the conversations was commented upon by the witness both during his examination and during his 'cross-examination' by the defence. Accordingly, the conditions for their formal submission are met.

The Prosecution notes that while the Defence may present objections to the admission of the items from the Bar Table by 31 March 2022, to the extent that these documents were presented to the witness during the course of his testimony, objections raised in relation to the formal submission of the items in that context have become moot.

Kind regards,

On behalf of OTP Trial Team

From: [REDACTED] >
Sent: mercredi 23 mars 2022 14:30
To: [REDACTED]; Trial Chamber V
 Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team
 [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team
 [REDACTED] V45 LRV Team [REDACTED]; OTP CAR IIB Case Management
 [REDACTED] OTP CAR IIB Operations [REDACTED]; Associate
 Legal Officer-Court Officer [REDACTED]
Subject: RE: OTP List of documents to be submitted through P-0889

Dear Trial Chamber V,
 Dear All,

The Yekatom Defence ('Defence') hereby respectfully responds to the Prosecution's 'OTP List of documents to be submitted through P-0889' (see email from Prosecution of 18 March 2022, at 13.58).

The Defence takes no position on the Items listed at #1, #4 and #12 of the Prosecution's list, and opposes the formal submission of the remaining documents, as follows.

Document listed at #2 (CAR-OTP-2127-0655)

The Defence supports the Ngaissona Defence team's submissions (see, email from Ngaissona Defence of 22 March 2022 at 14.14) as regards this document. In addition, it recalls that the Presiding Judge expressly found that this document was testimonial in nature (see, ICC-01/14-01/18-T-108-CONF-ENG, 19:11-13). It further notes that during the Prosecution's examination of P-0889, Prosecution Counsel read relevant portions of the document onto the record and put them to the witness, in accordance with the Presiding Judge's directions (ICC-01/14-01/18-T-108-CONF-ENG, 19, 45-47; ICC-01/14-01/18-T-111-CONF-FRA, 37-41); as such, denial of its formal submission via P-0889 would not prejudice the Prosecution in any way.

Document listed at #3 (CAR-OTP-2127-3304)

The Defence supports the Ngaissona Defence team's submissions (see, email from Ngaissona Defence of 22 March 2022 at 14.14) as regards this document. It further adds that the Prosecution, contrary to its obligations as the moving party, has failed to establish basic chain of custody and authenticating information as regards this document. Nor was any foundation for the document established through the witness himself; in this regard, the Defence notes that the question of whether 'generally speaking' the contacts in P-0889's phone were 'correct' (ICC-01/14-01/18-T-108-CONF-ENG, pp 8-9) has no bearing on the issue of whether the document itself is reliable, especially where it remains unestablished whether the witness had ever seen the document before. The fact that this document was forensically extracted by Prosecution personnel, and thus effectively comprises Prosecution work product (see, Prosecution email of 11 March 2022, at 14.09; see also, ICC-01/14-01/18-T-108-CONF-FRA, 9:2-10), further strongly militates against its submission at this stage.

Further, in response to *inter partes* correspondence from the Ngaissona Defence team seeking information as to the relevance of the phone numbers listed in this document, the Prosecution stated that it didn't 'consider it necessary at this point to explain our position in respect of the relevance of the numbers' (see, email from Prosecution to Defence teams of 11 March 2022, 14.09). This is contrary to the Prosecution's obligation as the moving party under Article 69(3) and should preclude the formal submission of the document.

Documents listed at #5 to #11 (CAR-OTP-2131-5154, CAR-OTP-2131-6832, CAR-OTP-2132-7226, CAR-OTP-2132-7764, CAR-OTP-2133-2735, CAR-OTP-2133-2741, and CAR-OTP-2133-8109)

The Defence objects to the formal submission of Facebook messages not shown to or discussed with the witness. In the interests of judicial economy, it respectfully refers the Chamber to its previous submissions opposing similar Prosecution requests formally submitting Facebook material (see, email from Defence of 18 May 2021, 20.26). It

further notes that a bar table motion for these documents is pending (ICC-01/14-01/18-1285-Conf), and intends provide further and detailed submissions as regards the relevance and probative value of these documents in its response thereto, to be filed by 31 March 2021.

Best regards,

Legal Assistant, Yekatom Defence

From: [REDACTED]
Sent: 22 March 2022 14:14
To: [REDACTED] Trial Chamber V Communications
 [REDACTED] >
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaïssona Defence Team
 [REDACTED]; V44 LRV Team OPCV [REDACTED] V44 LRV Team
 [REDACTED]; V45 LRV Team [REDACTED]; OTP CAR IIB Case Management
 [REDACTED]; OTP CAR IIB Operations [REDACTED] Associate
 Legal Officer-Court Officer [REDACTED]
Subject: RE: OTP List of documents to be submitted through P-0889

Dear Trial Chamber V,

The Defence for Mr Ngaïssona ("Defence") respectfully objects to the submission of the following items:

-CAR-OTP-2127-0655, which consists of a decision by [REDACTED], rejecting P-0889's [REDACTED]. The document is largely testimonial in nature: the decision itself contains a number of references to the content of the witness' declarations to [REDACTED], while the remainder of the document constitutes the transcript of the witness' [REDACTED]. Given that '[e]vidence which is testimonial in nature is [...] inadmissible [...] when not elicited orally or when the conditions for the introduction of the prior recorded testimony specifically provided for in the Court's applicable law are not met' (Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, para. 56), the Defence objects to submission of CAR-OTP-2127-0655 in its entirety.

-CAR-OTP-2127-3304, which consists of a 55-pages document allegedly containing phone numbers extracted from P-0889's seized phone. First, the Defence objects to submission of the document in its entirety, given that the witness was only asked to comment on a limited portion of it (only 24 entries, over a total of 496, were put to the witness by the Prosecution – see ICC-01/14-01/18-T-108-CONF-ENG, page 8-17). Second, even the limited portions that were put to the witness were not properly authenticated, given that the witness was not asked to confirm whether the phone numbers were correct, but simply to clarify a number of names, which he only saw for a few seconds each. Lastly, the Defence notes that the Prosecution has not disclosed an extraction report detailing how this alleged list of contacts was extracted from the witness' phone. Without this accompanying documentation, there is no way to establish that the data is reliable and this should lead to a finding that the item is devoid of probative value. Therefore, the Defence reserves its right to further object to the submission of CAR-OTP-2127-3304, following the disclosure of the correspondent extraction report, for which a Defence request is forthcoming.

Lastly, the Defence notes that the 8 Facebook communications for which the Chamber granted leave to be added to the Prosecution's List of Evidence by way of Decision ICC-01/14-01/18-1301-Conf were presented to witness P-889 during the course of his testimony, and now form part of the Prosecution's request to submit evidence through P-0889 (items 4-11 of list (i)). The Defence will present its objections to these items in its response to the Prosecution's request to submit these 8 items into evidence on 31 March as instructed by the Chamber in its Decision ICC-01/14-01/18-1301-Conf.

Respectfully Yours,

Case manager – Ngaissona Defence

From: [REDACTED]
Sent: 18 March 2022 13:58
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team
 [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team
 [REDACTED]; V45 LRV Team [REDACTED]; OTP CAR IIB Case Management
 [REDACTED]; OTP CAR IIB Operations [REDACTED]; Associate
 Legal Officer-Court Officer [REDACTED]
Subject: OTP List of documents to be submitted through P-0889

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the Initial Directions of the Conduct of the Proceedings (ICC-01/14-01/18-631), the Prosecution submits the documents listed below relating to the testimony of witness P-0889. The Prosecution, therefore, requests that they be recognised as formally submitted.

- (i) 12 Documents discussed with the witness during the course of his direct and redirect examination :

Count	Doc ID	WIT – Used through	Type	EVD - Date	EVD – Participant Tendering	Request Submission
1	CAR-D30-0006-0049	CAR-OTP-P-0889	Media / press article	17-Mar-2022	OTP	Yes
2	CAR-OTP-2127-0655	CAR-OTP-P-0889	Legal, Administration and Court document - non ICC	09-Mar-2022 17-Mar-2022	OTP	Yes
3	CAR-OTP-2127-3304	CAR-OTP-P-0889	List / table	09-Mar-2022	OTP	Yes
4	CAR-OTP-2131-1012	CAR-OTP-P-0889	Report	09-Mar-2022	OTP	Yes
5	CAR-OTP-2131-5154	CAR-OTP-P-0889	Communication - E-message	09-Mar-2022	OTP	Yes
6	CAR-OTP-2131-6832	CAR-OTP-P-0889	Communication - E-message	09-Mar-2022	OTP	Yes
7	CAR-OTP-2132-7226	CAR-OTP-P-0889	Communication - E-message	09-Mar-2022 17-Mar-2022	OTP	Yes
8	CAR-OTP-2132-7764	CAR-OTP-P-0889	Communication - E-message	09-Mar-2022 17-Mar-2022	OTP	Yes
9	CAR-OTP-2133-2735	CAR-OTP-P-0889	Communication - E-message	09-Mar-2022	OTP	Yes
10	CAR-OTP-2133-2741	CAR-OTP-P-0889	Communication - E-message	09-Mar-2022	OTP	Yes

11	CAR-OTP-2133-8109	CAR-OTP-P-0889	Communication - E-message	09-Mar-2022	OTP	Yes
12	CAR-OTP-2135-1706	CAR-OTP-P-0889	ICC Statement - General	09-Mar-2022	OTP	Yes

- (ii) 59 items submitted under Rule 68(3) at the start of P-0889's testimony (ICC-01/14-01/18-1226-Conf, paras. 29-33; ICC-01/14-01/18-T-108 ENG ET, p. 7, l.18-21):

Count	Doc ID	WIT – Used through	Type	EVD - Date	EVD – Participant Tendering	Request Submission
1	CAR-OTP-2027-2290	CAR-OTP-P-0889	ICC Statement - General	N/A	OTP	Yes
2	CAR-OTP-2027-2311	CAR-OTP-P-0889	Sketch	N/A	OTP	Yes
3	CAR-OTP-2030-0230	CAR-OTP-P-0889	Identifying document	N/A	OTP	Yes
4	CAR-OTP-2030-0231	CAR-OTP-P-0889	Identifying document	N/A	OTP	Yes
5	CAR-OTP-2030-0239	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes
6	CAR-OTP-2030-0241	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes
7	CAR-OTP-2030-0244	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes
8	CAR-OTP-2030-0252	CAR-OTP-P-0889	Correspondence - Letter	N/A	OTP	Yes
9	CAR-OTP-2030-0255	CAR-OTP-P-0889	Presentation	N/A	OTP	Yes
10	CAR-OTP-2030-0265	CAR-OTP-P-0889	List / table	N/A	OTP	Yes
11	CAR-OTP-2030-0269	CAR-OTP-P-0889	List / table	N/A	OTP	Yes
12	CAR-OTP-2030-0274	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes
13	CAR-OTP-2030-0276	CAR-OTP-P-0889	Internal guidelines / instruction / orders	N/A	OTP	Yes
14	CAR-OTP-2030-0278	CAR-OTP-P-0889	List / table	N/A	OTP	Yes
15	CAR-OTP-2030-0282	CAR-OTP-P-0889	Correspondence - Letter	N/A	OTP	Yes
16	CAR-OTP-2034-0463	CAR-OTP-P-0889	ICC Statement - Translation - ENG	N/A	OTP	Yes
17	CAR-OTP-2122-7517	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
18	CAR-OTP-2122-7554	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
19	CAR-OTP-2122-7576	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes

20	CAR-OTP-2122-7600	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
21	CAR-OTP-2122-7626	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
22	CAR-OTP-2122-7653	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
23	CAR-OTP-2122-7684	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
24	CAR-OTP-2122-7740	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	09-Mar-2022	OTP	Yes
25	CAR-OTP-2122-7781	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
26	CAR-OTP-2122-7825	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
27	CAR-OTP-2122-7872	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
28	CAR-OTP-2122-7919	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
29	CAR-OTP-2122-7962	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
30	CAR-OTP-2122-7992	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
31	CAR-OTP-2122-8002	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
32	CAR-OTP-2122-8036	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
33	CAR-OTP-2122-8079	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
34	CAR-OTP-2122-8112	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	09-Mar-2022	OTP	Yes
35	CAR-OTP-2122-8146	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
36	CAR-OTP-2122-8194	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
37	CAR-OTP-2122-8230	CAR-OTP-P-0889	ICC Statement - ICC transcribed statement	N/A	OTP	Yes
38	CAR-OTP-2124-1211	CAR-OTP-P-0889	Internal guidelines / instruction / orders	N/A	OTP	Yes
39	CAR-OTP-2124-1213	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes
40	CAR-OTP-2124-1214	CAR-OTP-P-0889	Organisation diagram	N/A	OTP	Yes
41	CAR-OTP-2124-1220	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes
42	CAR-OTP-2124-1222	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes
43	CAR-OTP-2124-1223	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes

44	CAR-OTP-2124-1224	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes
45	CAR-OTP-2124-1225	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes
46	CAR-OTP-2124-1231	CAR-OTP-P-0889	Media / press article	N/A	OTP	Yes
47	CAR-OTP-2124-1237	CAR-OTP-P-0889	Certificate	N/A	OTP	Yes
48	CAR-OTP-2124-1240	CAR-OTP-P-0889	Certificate	N/A	OTP	Yes
49	CAR-OTP-2124-1241	CAR-OTP-P-0889	Internal guidelines / instruction / orders	N/A	OTP	Yes
50	CAR-OTP-2124-1251	CAR-OTP-P-0889	Satellite images and related reports	N/A	OTP	Yes
51	CAR-OTP-2124-1252	CAR-OTP-P-0889	Satellite images and related reports	N/A	OTP	Yes
52	CAR-OTP-2124-1253	CAR-OTP-P-0889	Satellite images and related reports	N/A	OTP	Yes
53	CAR-OTP-2124-1254	CAR-OTP-P-0889	Satellite images and related reports	N/A	OTP	Yes
54	CAR-OTP-2124-1255	CAR-OTP-P-0889	Satellite images and related reports	N/A	OTP	Yes
55	CAR-OTP-2124-1256	CAR-OTP-P-0889	Satellite images and related reports	N/A	OTP	Yes
56	CAR-OTP-2127-0708	CAR-OTP-P-0889	Physical item	N/A	OTP	
57	CAR-OTP-2127-1332	CAR-OTP-P-0889	Audio / Video Material	N/A	OTP	
58	CAR-OTP-2127-1334	CAR-OTP-P-0889	Audio / Video Material	N/A	OTP	
59	CAR-OTP-2127-1354	CAR-OTP-P-0889	Communication - SMS message	N/A	OTP	

(iii) The Prosecution seeks to submit the following items used during the course of NGAISSONA's cross-examination of witness P-0889, *to the extent that these items are not submitted by the NGAISSONA Defence*:

Count	Doc ID	WIT – Used through	Type	EVD - Date	EVD – Participant Tendering	Request Submission
1	CAR-D30-0003-0001	CAR-OTP-P-0889	Non ICC Statement (Note / Screening / Transcript)	16-Mar-2022	OTP	Yes
2	CAR-OTP-2093-0326	CAR-OTP-P-0889	Complaint	16-Mar-2022	OTP	Yes
3	CAR-OTP-2108-0050	CAR-OTP-P-0889	Internal guidelines / instruction / orders	16-Mar-2022	OTP	Yes

Kind regards,



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From: [REDACTED]
Sent: 17 March 2022 16:07
To: Trial Chamber V Communications
Cc: Associate Legal Officer-Court Officer; D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Managers
Subject: Ngaissona Defence Submission of Evidence following P-0889's testimony

Dear Trial Chamber V,

Pursuant to paragraph 63(i) of *the Initial Directions of the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Defence for Mr. Ngaissona requests the submission of the following items used during P-0889's questioning by the non-calling party:

Count	Doc ID	Title	Type	EVD - Date Used
1	CAR-D30-0006-0049	Centrafrique: Opération de profilage de 1500 ex-combattants Anti-Balaka de Bangui	Media / press article	16-Mar-2022 17-Mar-2022
2	CAR-D30-0006-0051	RCA: vers un cantonnement des anti-balakas ?	Media / press article	16-Mar-2022
3	CAR-D30-0008-0037	Centrafrique: le Comité de direction des Anti-Balaka appelle à un dialogue national	Media / press article	16-Mar-2022
4	CAR-D30-0008-0041	Un nouveau coordonnateur général à la tête des Antibalaka	Media / press article	3-Nov-2021 3-Dec-2021 14-Mar-2022
5	CAR-D30-0008-0086	Screenshot Google Maps	Map	14-Dec-2021 14-Mar-2022

6	CAR-D30-0009-0003		Electronic Media (Data)	14-Mar-2022
7	CAR-OTP-2030-0244	COMMUNIQUE	Media / press article	16-Mar-2022
8	CAR-OTP-2039-0019	Annex B / COMPOSITION DU BUREAU DE LA COORDINATION NATIONALE / No./CN/CD.14	List / table	28-May-2021 2-Dec-2021 14-Mar-2022
9	CAR-OTP-2039-0024	Annex D / ACCORD SUR LES PRINCIPES DE DESARMEMENT DEMOBILISATION REINTEGRATION ET RAPATRIEMENT (DDRR) ET D'INTEGRATION DANS LES CORPS EN UNIFORME DE L'ETAT CENTRAFRICAIN	Contract / Agreement	16-Mar-2022
10	CAR-OTP-2084-0166	COMMUNIQUE DE PRESSE N° 18	Media / press article	3-Nov-2021 16-Mar-2022
11	CAR-OTP-2084-0173	DECISION N°001 Portant radiation d'un (01) member du Mouvement des Patriotes Anti-Balaka	Legal, Administration and Court document - non ICC	3-Nov-2021 14-Mar-2022
12	CAR-OTP-2087-9108	Annexe 22 / ORDRE DE MISSION N. 026/CN/CEMA/CEMA AD JOINT/SG.14	Internal guidelines / instruction / orders	2-Nov-2021 16-Mar-2022
13	CAR-OTP-2091-0455	LES COMBATTANTS DU FROCCA ENCERCLE DÉJÀ BANGUI	Communication - E-message	2-Dec-2021 6-Dec-2021 9-Mar-2022
14	CAR-OTP-2093-0326	NOTE / Plainte contre les sieurs Patrice Edouard NGAISSONA ; Igor Serge Ludovic LAMAKA ; Dieudonné NDOMATE ; Et autres acolytes	Complaint	16-Mar-2022

15	CAR-OTP-2100-0540	DISCOURS DE SON EXCELLENCE LE GENERAL D'ARMEE FRANCOIS BOZIZE YANGOUVONDA PRESIDENT DE LA REPUBLIQUE, CHEF DE L'ETAT A L'OCCASION DE LA CELEBRATION DU 54ème ANNIVERSAIRE DE LA PROCLAMATION DE LA REPUBLIQUE CENTRAFRICAINE	Presentation	9-Mar-2022
16	CAR-OTP-2108-0050	ORDRE DE MISSION No. 082/ATB/CN/CE.14.	Internal guidelines / instruction / orders	2-Nov-2021 16-Mar-2022
17	CAR-OTP-2117-0704	Annexe 15 / Centrafrique: les miliciens anti-balaka sont des ennemis de la paix (commandant force française)	Media / press article	16-Mar-2022
18	CAR-OTP-2124-1236	Annexe 19 / COMMUNIQUE RADIO	Media / press article	16-Mar-2022
19	CAR-OTP-2124-1244	Annexe 24 / LISTE DES EX ANTIBALAKA	List / table	16-Mar-2022

Cordially Yours,



Case manager- Ngaïssona Defence

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