

Annex 1

Public

From: Trial Chamber I Communications
Sent: 22 September 2022 11:41
To: Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team
Cc: FS Items Communication; Associate Legal Officer-Court Officer; Trial Chamber I Communications
Subject: Decision on the submission of material through P-0878
Attachments: RE: P-0878 - Defence List of Material for Submission; P-0878 - Defence List of Material for Submission; P-0878 - List of Material for Submission

Dear Counsel,
 Dear colleagues,

The Chamber notes the submission of 2 items by the Prosecution following the testimony of P-0878 (*see* attached email of 12 September 2022 at 14:30).

The Chamber also notes the submission of 2 items by the Defence (*see* attached email of 14 September 2022 at 14:59, and correction on 16 September 2022, at 17:03).

On 19 September 2022, the Prosecution responded that the submission of English translations of documents into evidence should be accompanied by the original version. The Prosecution thus requested the submission of the original versions of the two items submitted by the Defence: submission of the original version of DAR-OTP-0220-2280 (DAR-OTP-0224-0086) and of DAR-OTP-00000106 (DAR-OTP-00000097).

The Chamber finds in this regard that the submission of English translations of documents into evidence must be accompanied by the original version.

Furthermore, the Prosecution also noted that item DAR-OTP-0220-2280 (and its translation DAR-OTP-0224-0086) contains annotations that the witness made during an OTP interview (*see* DAR-OTP-0224-0071 at 0074-6, paras. 13 and 21). In this regard, the parties agreed on the following stipulation (email of 19 September 2022, at 14:17):

‘DAR-OTP-0224-0086 (English translation DAR-OTP-0220-2280) has been annotated by P-0878. In a witness statement made to the Prosecution and signed on [REDACTED], P-0878 asserted that he had annotated the document to make certain corrections based on his recollection of the information that he provided [REDACTED], but that other omissions remain.’

In assessing the evidence, the Chamber will take the parties’ stipulation in relation to item DAR-OTP-0224-0086 (English translation DAR-OTP-0220-2280) into account.

Noting that the items tendered were used and discussed with P-0878, and that their submission is unopposed, the Chamber hereby recognises the items as formally submitted.

The Registry is therefore directed to proceed in accordance with paragraph 31(iv) of the Directions on the conduct of the proceedings (filing 478).

Kind regards,

[REDACTED]
 (on behalf of Trial Chamber I)

Ndungu, Wilfred

From: Jeremy, Edward
Sent: 19 September 2022 14:17
To: Edwards, Iain; Issa Abdel Badih, Ahmad; Trial Chamber I Communications; Abd Al Rahman Prosecution Team; V47 Abd Al Rahman LRV Team
Cc: D31 Abd-Al-Rahman Defence Team; Associate Legal Officer-Court Officer; [REDACTED]
Subject: RE: P-0878 - Defence List of Material for Submission

Dear Trial Chamber I,
 Dear colleagues,

Following discussion between the Defence and the Prosecution we have agreed the following stipulation:

"DAR-OTP-0224-0086 (English translation DAR-OTP-0220-2280) has been annotated by P-0878. In a witness statement made to the Prosecution and signed on [REDACTED], P-0878 asserted that he had annotated the document to make certain corrections based on his recollection of the information that he provided [REDACTED], but that other omissions remain."

Best,

Edward

From: Edwards, Iain [REDACTED]
Sent: 19 September 2022 12:20
To: Jeremy, Edward [REDACTED]; Issa Abdel Badih, Ahmad [REDACTED]; Trial Chamber I Communications [REDACTED]; Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: Re: P-0878 - Defence List of Material for Submission

Dear Trial Chamber I,
 Dear colleagues,

The Defence is content for the original documents to also be submitted (DAR-OTP-0224-0086 and DAR-OTP-00000097).

The Defence is also content to make a stipulation in terms similar to those proposed by the OTP. However, given the Defence's position regarding the witness's credibility, we cannot agree the truth of the witness's assertion that he made the annotations based on his recollection of the information that he provided in the course of his Prosecution interview. The Defence is instead prepared to make the following more objective stipulation:

"DAR-OTP-0224-0086 (English translation DAR-OTP-0220-2280) has been annotated by P-0878. In a witness statement made to the Prosecution and signed on [REDACTED], P-0878 asserted that he had

annotated the document to make certain corrections based on his recollection of the information that he provided in the course of the interview, but that other omissions remain."

Kind regards,

Iain

From: Jeremy, Edward [REDACTED]
Sent: 19 September 2022 10:27
To: Issa Abdel Badih, Ahmad [REDACTED]; Trial Chamber I Communications
 [REDACTED]; Abd Al Rahman Prosecution Team
 [REDACTED]; V47 Abd Al Rahman LRV Team
 [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED]; Associate Legal Officer-Court
 Officer [REDACTED]
 [REDACTED]
Subject: RE: P-0878 - Defence List of Material for Submission

Dear Trial Chamber I,
 Dear colleagues,

Pursuant to the procedure established on paragraph 31.ii of the Directions on the conduct of proceedings (ICC-02/05-01/20-478), the Prosecution hereby submits the following observations in relation to the items identified by the Defence to be admitted through witness P-0878:

- As a general principle, the Prosecution understands that the submission of English translations of documents into evidence should be accompanied by the original version.
- In relation to "*DAR-OTP-0220-2280, Translation of Evidence/Annex A, RT 79 page 91 line 20*":
 - The Prosecution also requests the submission of the original version, DAR-OTP-0224-0086.
 - The Prosecution also notes that the original (and the translation) of these items contain annotations that the witness made during an OTP interview (see DAR-OTP-0224-0071 at 0074-6, paras. 13 and 21). For completeness of the record, the Prosecution therefore requests that the Defence stipulate as follows:
 - "DAR-OTP-0224-0086 (English translation DAR-OTP-0220-2280) has been annotated by P-0878 to make certain corrections based on his recollection of the information that he provided in the course of that interview, but other omissions remain."
 - It should be noted that page 0092 of the original version and page 2287 of the English translation appeared out of order in the disclosed items and therefore this has now been corrected. A new version of these documents will be disclosed tomorrow in an image update package to reflect these changes.
- In relation to "*DAR-OTP-00000106, Translation of Evidence [REDACTED], RT 79 page 89 line 14*" (as corrected by the Defence on 16 September 2022 17:03):
 - The Prosecution also requests the submission of the original version [REDACTED], DAR-OTP-00000097.

Best regards,

Edward





Edward Jeremy

Trial Lawyer
Prosecution Division, Office of the Prosecutor
International Criminal Court

[REDACTED]

From: Issa Abdel Badih, Ahmad [REDACTED]
Sent: 16 September 2022 17:03
To: Trial Chamber I Communications [REDACTED]; Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: P-0878 - Defence List of Material for Submission

Dear Trial Chamber I,

Apologies for the mistake in the ERN provided. The ERN requested for submission is DAR-OTP-00000106 which is in tab 20 of the prosecution's pre-testimony list of materials and not DAR-OTP-00000099. The requested document for submission DAR-OTP-00000106 should now corresponds to the item intended for submission '[REDACTED]'.

Thank very much and apologies once again,
Ahmad

From: Trial Chamber I Communications [REDACTED]
Sent: 16 September 2022 16:50
To: Issa Abdel Badih, Ahmad [REDACTED]; Trial Chamber I Communications [REDACTED]; Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: P-0878 - Defence List of Material for Submission

Dear Ahmad,

In your email below, the ERN (DAR-OTP-00000099) does not correspond with the item intended for submission '[REDACTED]' (which has ERN DAR-OTP-00000097 and was indeed used by the Defence at T-079). Could you please confirm whether the Defence intends to submit item DAR-OTP-00000099 (Map, Bindisi Koodom area, West Darfur, SUDAN – also submitted by the Prosecution, see email of 12 September 2022 at 14:30) or item DAR-OTP-00000097 [REDACTED]S)?

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Issa Abdel Badih, Ahmad [REDACTED]
Sent: 14 September 2022 14:59
To: Trial Chamber I Communications [REDACTED]; Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; [REDACTED]
Subject: P-0878 - Defence List of Material for Submission

Dear Trial Chamber I,

Pursuant to the procedure set out in paragraphs 31-33 of the Directions on the conduct on proceedings (ICC-02/05-01/20-478), the Defence hereby seeks the admission into evidence of the material used through Witness P-0878 listed below.

For ease of reference, the relevant Transcript pages indicating the ERN of the material and the relevant excerpts where the material was discussed are also identified below:

- DAR-OTP-0220-2280, Translation of Evidence/ Annex A, RT 79 page 91 line 20.
- DAR-OTP-00000099, Translation of Evidence/ [REDACTED], RT 79 page 89 line 14.

Kind regards,
 Ahmad Issa,
 Case Manager in the Defence team of Mr. Abd-Al Rahman

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[REDACTED]

From: Sabatini, Claire
Sent: 12 September 2022 14:30
To: Trial Chamber I Communications
Cc: D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team; Associate Legal Officer-Court Officer; Abd Al Rahman Prosecution Team
Subject: P-0878 - List of Material for Submission
Attachments: P-0878 - List of Material for Submission.pdf

Dear Trial Chamber I,

In accordance with paragraph 31 of the “Directions on the conduct of proceedings” (ICC-02/05-01/20-478), the Prosecution respectfully requests the submission of the items included in the attached list in relation to witness P-0878.

Thank you.

Kind regards



Claire Sabatini

Case Manager
Office of the Prosecutor
International Criminal Court
Oude Waalsdorperweg 10, 2597 AK, The Hague
Mail address: PO Box 19519, 2500 CM, The Hague, The Netherlands

[REDACTED]
www.icc-cpi.int

Prosecution's List of Material for Submission –Witness DAR-OTP-P-0878

#	ERN (e-Court/JEM)	Type	Title	Transcript reference	Tendered through this witness
1.	DAR-OTP-00000099	Bindisi Koodom area, West Darfur, SUDAN	Map	ICC-02/05-01/20-T-078-ENG RT 08-09-20222 T, p. 40, l. 1 to p. 41, l. 12; and at p. 69, l. 5 to p. 70, l. 2; and at p. 70, l. 15-20; and at p. 71, l. 4-13; and at p. 71, l. 24 to p. 72, l. 1;	YES
2.	DAR-OTP-00000100	Koodom, West Darfur, SUDAN	Map	ICC-02/05-01/20-T-078-ENG RT 08-09-20222 T, p. 53, l. 12-19; and at p. 54, l. 17 to p. 55, l. 15; and at p. 59, l. 16 to p. 60, l. 3; and at p. 65, l. 10-16; and at p. 66, l. 4-17.	YES