

ANNEX 17

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Version

From: Trial Chamber V Communications
Sent: 07 March 2023 15:18
To: Office of the Director DJSS; Associate Legal Officer-Court Officer; OTP CAR IIB
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Order for the Registry to Provide Observations on Filing ICC-01/14-01/18-1702-Conf

Dear Counsel,
Dear colleagues from the Registry,

The Single Judge notes the Prosecution's 'Request for leave to add one item to the List of Evidence' (ICC-01/14-01/18-1702-Conf) (the 'Request'), in relation to item CAR-OTP-00000637, a contact list extracted from a phone collected by national authorities in February 2022. The Single Judge also takes note of the responses thereto by the Yekatom Defence (ICC-01/14-01/18-1747-Conf) and the Ngaissona Defence (ICC-01/14-01/18-1748-Conf).

In light of the submissions made by the defence teams concerning the chain of custody of the phone, and noting that the information contained in the Request as well as the item's metadata are not entirely clear in this regard, the Single Judge considers it necessary to obtain further information from the Registry before deciding on the Request. Therefore, the Registry is instructed to submit observations on the Request by 13 March 2023, by way of a formal filing, particularly providing clarifications on the following points:

1. The detailed chain of custody of the relevant phone between March and November 2022;
2. The dates on which the Prosecution had access to the phone and the scope thereof; and
3. If applicable, whether the phone was accessed or searched prior to 20 July 2022;

Moreover, the Prosecution is instructed to indicate by what time it expects to conclude its full analysis of the relevance of the item (*see* Request, paras 2, 8).

Kind regards,

TC V