

ANNEX 1

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Version

From: Trial Chamber V Communications
Sent: 22 May 2023 20:40
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-1839
Attachments: Ngaïssona Defence Submission of Evidence following P-1839's testimony; Yekatom Defence submission of evidence following the examination of P-1839; RE: Ngaïssona Defence Submission of Evidence following P-1839'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-1839 by the Ngaïssona Defence, the Prosecution, and the Yekatom Defence, as well as Prosecution's and the Yekatom Defence's objections, and the Prosecution's response to the latter's objections (see emails below and attached).

At the outset, the Chamber notes that items CAR-D29-0013-0094, CAR-D29-0010-0049, CAR-D29-0015-0029, CAR-OTP-2065-1055, CAR-OTP-2001-8191, CAR-OTP-2119-0185, CAR-D29-0010-0050, CAR-D29-0010-0051, CAR-OTP-2065-3172, CAR-D29-0010-0042, CAR-OTP-2076-0815 and CAR-D29-0006-0721 have already been recognised as submitted, and therefore it need not rule on them again.

Further, the Chamber notes that items CAR-OTP-2065-4942, CAR-OTP-2065-3180, CAR-OTP-2122-7503 and CAR-OTP-2065-4966 were introduced into evidence as part of P-1819's prior recorded testimony subject to the fulfilment of the legal requirements of Rule 68(3) of the Rules (see Decision ICC-01/14-01/18-1661-Conf-Corr, para. 42, n. 58, p. 33; Annex A to the P-1819 Request, ICC-01/14-01/18-1414-Conf-AnxA). However, since P-1819 has not yet testified before the Court, the Rule 68(3) requirements have not yet been met. Accordingly, the Chamber hereby recognises items CAR-OTP-2065-4942, CAR-OTP-2065-3180, CAR-OTP-2122-7503 and CAR-OTP-2065-4966 as formally submitted in relation to P-1839.

With regard to item **CAR-D29-0001-0426**, submitted by the Yekatom Defence and unopposed by the other parties, the Chamber notes it already recognised this item as submitted at pages 0428-0429 only. While the Yekatom Defence now requests the submission of the item in its entirety, the Chamber notes that during P-1839's testimony, it only showed to the witness and discussed with her page 0428 of the item (see T-172, p. 52, line 25 to p. 53, line 4). As only a page already recognised as submitted was used with the witness, and bearing in mind the nature of the document (see also Decision of Submitted Materials for P-2475, email of 9 November 2022, at 14:53), the Chamber rejects the request to formally submit this item in its entirety.

With regard to item **CAR-OTP-2002-0723**, the Chamber notes the Prosecution's objections to its submission on the basis that it 'lacks probative value' and, in particular, 'does not bear sufficient indicia of reliability, including its authenticity, trustworthiness and accuracy'. Likewise, the Chamber notes the Yekatom Defence's objections to the submission of item **CAR-OTP-2094-3642** on the basis that 'it lacks probative value and bears insufficient indicia of reliability' given the item's 'lack of foundation' and its erroneous content. The Chamber recalls that it will assess the relevance, probative value, and potential prejudice of the evidence as part of its holistic assessment in the context of its judgment deliberations.

In relation to item **CAR-OTP-2065-6376**, the Chamber notes that the Yekatom Defence explained having erroneously referred to this item in court. At the same time, the Chamber notes that this item still appears in the list of items to be submitted as included in the email sent by the Yekatom Defence. In light of the explanations provided by the

Yekatom Defence, the Chamber considers this inclusion of the item in the email to be a mere oversight and therefore does not recognise CAR-OTP-2065-6376 as formally submitted.

Thus, and in the absence of any procedural bars, the Chamber recognises as formally submitted the following items:

Doc ID	Title	Type
CAR-OTP-2094-3642	LISTE DES MILITAIRES ET GENDARMES EX-BALAKA DE LA ZONE SUD DU SERGENT ALFRED YEKATOM-ROMBHOT	List / table
CAR-OTP-2066-1467	ANNEXE M	Map
CAR-OTP-2065-4942	AA002001.MXF	Audio / Video Material
CAR-OTP-2066-1468	ANNEXE N	Satellite images and related reports
CAR-OTP-2125-0735	Vivien BEINA	Photograph/s
CAR-OTP-2125-0737	Aristide BEINA	Photograph/s
CAR-OTP-2125-0742	Mahamat ABDOULAYE Alkanto	Photograph/s
CAR-OTP-2125-0744	Alban GOLIATA	Photograph/s
CAR-D29-0003-0026	Map of Camp de Roux and Oubangui Hotel	Satellite images and related reports
CAR-OTP-2049-0524	YUN00001.mp4	Audio / Video Material
CAR-D29-0003-0049	Cattin Crossroad and Sagbado field (900 meters)	Satellite images and related reports
CAR-D29-0003-0051	Cattin Crossroad and Sagbado field (400 meters)	Satellite images and related reports
CAR-D29-0003-0050	Cattin Crossroad and Sagbado field (700 meters)	Satellite images and related reports
CAR-OTP-2065-1444	AA042701.MXF	Audio / Video Material
CAR-OTP-2065-6276	AA042701.MXF	Metadata
CAR-OTP-2065-1448	AA042801.MXF	Audio / Video Material
CAR-OTP-2065-6278	AA042801.MXF	Metadata
CAR-D29-0010-0062	Photograph of OZOU Modeste	Photograph/s
CAR-OTP-2066-1465	ANNEXE K	Sketch
CAR-OTP-2065-6762	Metadata Extraction of CAR-OTP-2065-1055 - AA023401.MXF	Metadata
CAR-OTP-2065-6610	Metadata Extraction of CAR-OTP-2065-0716 - AA015001.MXF	Metadata
CAR-OTP-2065-3180	AA007701.MXF	Audio / Video Material
CAR-OTP-2122-7503	Transcription de document audio/video / AA007701.MXF	Transcript

CAR-OTP-2065-7126	Metadata Extraction of CAR-OTP-2065-3180 - AA007701.MXF	Metadata
CAR-OTP-2065-2903	AA019201.MXF	Audio / Video Material
CAR-OTP-2065-7108	Metadata Extraction of CAR-OTP-2065-2903 - AA019201.MXF	Metadata
CAR-OTP-2066-1459	ANNEXE E	Sketch
CAR-OTP-2125-0717	Annex B	Sketch
CAR-OTP-2122-6170		Communication - E-message
CAR-OTP-2122-6169		Communication - E-message
CAR-OTP-2122-6168		Communication - E-message
CAR-OTP-2122-6167		Communication - E-message
CAR-OTP-2122-6166		Communication - E-message
CAR-OTP-2122-6224		Communication - E-message
CAR-OTP-2122-6369		Communication - E-message
CAR-OTP-2065-7122	Metadata Extraction of CAR-OTP-2065-3172 - AA007501.MXF	Metadata
CAR-OTP-2065-4512	AA008901.MXF	Audio / Video Material
CAR-OTP-2122-6334	N/A	Communication - E-message
CAR-D29-0003-0052	Map Yamwara / Cité de la Paix	Map
CAR-OTP-2065-4966	AA002601.MXF	Audio / Video Material
CAR-D29-0010-0064	Montage CAR-OTP-2065-4966 et CAR-D29-0010-0063	Photograph/s
CAR-D29-0010-0063	Photograph of Koba Francklin	Photograph/s
CAR-D29-0018-0001	Metadata of CAR-D29-0010-0063	Metadata
CAR-OTP-2066-1461	ANNEXE G	Sketch
CAR-OTP-2066-1460	ANNEXE F	Sketch
CAR-D29-0001-0142	Etat signaletique et des services de YEKATOM Alfred	Legal, Administration and Court document - non ICC
CAR-OTP-2136-0237	CARTE D'IDENTIFICATION / No. ID: 24/24/14	Identifying document
CAR-OTP-2136-0241	CARTE D'IDENTIFICATION / No. ID: 24/26/16	Identifying document
CAR-OTP-2125-0745	Fleury TIPKA / alias Apach proche de coeur de lion	Photograph/s
CAR-D29-0010-0061	Screenshot (2)	Photograph/s

CAR-D29-0010-0060	Screenshot (1)	Photograph/s
CAR-OTP-2002-0723	La lettre que le Lieutenant Konaté, un des leaders Anti Balaka, a lu hier à la présidente Catherine Samba Panza	Communication - E-message
CAR-OTP-2101-3225	Note explicative (NGAISSONA)	Correspondence - Letter
CAR-D29-0006-1186	Translation of transcript of CAR-OTP-2065-4512	Translation - FRA
CAR-OTP-2065-7532	Metadata Extraction of CAR-OTP-2065-4512 - AA008901.MXF	Metadata
CAR-OTP-2065-7668	Metadata Extraction of CAR-OTP-2065-4849 - AA016801.MXF	Metadata

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: OTP CAR IIB [REDACTED]

Sent: 08 November 2022 14:13

To: Trial Chamber V Communications [REDACTED]

Cc: OTP CAR IIB [REDACTED] D29 Yekatom Defence Team [REDACTED]

D30 Ngaissona Defence Team [REDACTED] V44 LRV Team OPCV [REDACTED]

[REDACTED] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]

[REDACTED] Associate Legal Officer-Court Officer [REDACTED]

[REDACTED] >

Subject: RE: Prosecution Submission of evidence following the examination of P-1839

Dear Trial Chamber V,

Dear all,

The Prosecution hereby replies to the Yekatom Defence email sent on 7 November 2022, in which it opposes the formal submission of document CAR-OTP-2094-3642.

The Defence argument that the above-mentioned document lacks probative value and bears insufficient indicia of reliability has no merit.

Firstly, the fact that the document in question was shown to witness P-1839, although the witness had not seen it before, is irrelevant and is not a procedural bar to its formal submission.

Moreover, the Defence objection that the document is largely outside the temporal scope of the case, as – according to the metadata – it was last modified in April 2018, relates to the relevance of the document and is also without merit. As the title of the document indicates, it is a list of *militaires* and *gendarmes* former Balaka of Sergeant Alfred Yekatom-Rombhot. The date of creation of the document has no bearing on its relevance, as the document clearly relates to facts at issue in this case.

Furthermore, contrary to the Defence argument, the document bears sufficient indicia of reliability. The document is dated at the bottom of the third and fourth page. Although it has no signature, it contains twice the name “Sergeant Alfred Yekatom-Rombhot” at the bottom of the third and fourth page. And significantly, it was extracted from a computer seized in Mr Yekatom’s house in Bangui in the course of a search and seizure conducted after the latter was arrested on 29 October 2018.

Finally, the Defence objection that the content of the document is erroneous is both irrelevant and incorrect. Witness P-1839 confirmed that several names listed in the document were elements of the Anti-Balaka group under the command of Mr Yekatom during relevant time (ICC-01/14-01/18-T-170-ENG RT, 12:33:18 to 12:37:58). However, the Defence objection has no bearing on probative value and reliability. The formal submission of evidence precedes the assessment of the relevance, probative value and potential prejudice of each piece of evidence that the Chamber will undertake during the deliberation phase, in order to rule merely on the admissibility of evidence. The assessment of the evidence and its content will be separate and will be effected for the purpose of article 74 of the Statute. Therefore, any submission on the content of evidence is premature and irrelevant at the stage of submission of evidence.

Kind regards,

On behalf of OTP Trial Team

From: [REDACTED]

Sent: lundi 7 novembre 2022 18:58

To: Trial Chamber V Communications [REDACTED] >

Cc: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]

D30 Ngaissona Defence Team [REDACTED] V44 LRV Team OPCV [REDACTED]

[REDACTED] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]

[REDACTED]; Associate Legal Officer-Court Officer [REDACTED]

[REDACTED]
Subject: RE: Prosecution Submission of evidence following the examination of P-1839

Dear Trial Chamber V,

Dear all,

The Yekatom Defence ("Defence") hereby acknowledges the Prosecution's submission of evidence following the examination of P-1839 and opposes the formal submission of CAR-OTP-2094-3642 on the basis that it lacks probative value and bears insufficient indicia of reliability.

Firstly, the Defence objected to the showing of the document due to lack of foundation (ICC-01/14-01/18-T-170-ENG RT, 12:29:04). Although the witness was involved in the compilation of a list in 2014, she admitted before the Chamber that she had never seen this document (ICC-01/14-01/18-T-174-ENG RT, 11:50:51). The Prosecution must have anticipated this response given that she had given the same response when shown that same list during her interview CAR-OTP-2122-6884, pages 6885-6686, lines 34-61, which supports the Defence position that this list should not have been shown to the witness. The metadata set the last modified date in April 2018, which is largely outside the temporal scope of the case, and there is no certainty as to when it was actually created. As stated by the Defence, the document was retrieved from the company computer, Koya Security (ICC-01/14-01/18-T-174-ENG RT, 12:32:28) contrarily to the Prosecution allegation that the document was taken from Mr Yekatom's computer (ICC-01/14-01/18-T-170-ENG RT, 12:31:42). Further, the list is not signed, nor is there any indication whatsoever as to who entered the data; indeed, in the Metadata transmitted by the Prosecution the author is only named "KOYA SECURITY". In addition, we don't know how many individuals may have edited the list and its content. Therefore, this document does not bear sufficient indicia of reliability.

Secondly, as shown by the Defence's examination, the content of the document is erroneous. Indeed, the witness recognized that many of the names listed were never part of Mr Yekatom's group, and that those that were had the wrong military rank (see ICC-01/14-01/18-T-174-ENG RT, 11:51:23 to 12:00:45).

For the above reasons, the Defence respectfully requests the Chamber to reject the Prosecution submission of CAR-OTP-2094-3642.

Should the Chamber determine that item CAR-OTP-2094-3642 can be submitted into evidence, the Defence respectfully requests the Chamber to take into account the above arguments when it will address this document in the context of its judgment deliberation.

Kind regards,

Legal intern – Yekatom Defence

From: OTP CAR IIB [REDACTED]
Sent: 04 November 2022 13:29
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]
 [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]
 [REDACTED] V45 LRV Team [REDACTED]; [REDACTED]
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED]; OTP CAR IIB [REDACTED] t>
Subject: Prosecution Submission of evidence following the examination of P-1839

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the *Initial Directions on the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Prosecution requests that the following items be recognised as formally submitted:

- i. Documents discussed with the witness during the course of his examination by the Prosecution:

Count	Doc ID	WIT-Used through	Document Type	EVD - Date	EVD – Participant Tendering	Request Submission
1.	CAR-OTP-2094-3642	P-1839	List / table	27/10/22	OTP	Yes
2.	CAR-OTP-2065-4942	P-1839	Audio / Video Material	28/10/22	OTP	Yes
3.	CAR-OTP-2066-1467	P-1839	Map	28/10/22	OTP	Yes
4.	CAR-OTP-2125-0735	P-1839	Photograph/s	31/10/22	OTP	Yes
5.	CAR-OTP-2125-0737	P-1839	Photograph/s	31/10/22	OTP	Yes
6.	CAR-OTP-2125-0742	P-1839	Photograph/s	31/10/22	OTP	Yes
7.	CAR-OTP-2125-0744	P-1839	Photograph/s	31/10/22	OTP	Yes
8.	CAR-OTP-2066-1468	P-1839	Satellite images and related reports	31/10/22	OTP	Yes

- ii. The Prosecution also seeks to submit the following items used during the course of YEKATOM's cross-examination of witness P-1839, to the extent these items are not submitted by the YEKATOM Defence:

Count	Doc ID	WIT-Used through	Document Type	EVD - Date	EVD – Participant Tendering	Request Submission
1.	CAR-OTP-2076-0815	P-1839	Audio / Video Material	31/10/22	OTP	Yes

2.	CAR-OTP-2066-1465	P-1839	Sketch	31/10/22	OTP	Yes
3.	CAR-OTP-2065-3180	P-1839	Audio / Video Material	31/10/22	OTP	Yes
4.	CAR-OTP-2065-1055	P-1839	Audio / Video Material	31/10/22	OTP	Yes
5.	CAR-OTP-2001-8191	P-1839	Photograph/s	31/10/22	OTP	Yes
6.	CAR-OTP-2125-0717	P-1839	Sketch	31/10/22	OTP	Yes
7.	CAR-OTP-2122-6334	P-1839	Communication - E-message	01/11/22	OTP	Yes
8.	CAR-OTP-2122-6369	P-1839	Communication - E-message	01/11/22	OTP	Yes
9.	CAR-OTP-2122-6166	P-1839	Communication - E-message	01/11/22	OTP	Yes
10.	CAR-OTP-2122-6167	P-1839	Communication - E-message	01/11/22	OTP	Yes
11.	CAR-OTP-2122-6168	P-1839	Communication - E-message	01/11/22	OTP	Yes
12.	CAR-OTP-2122-6169	P-1839	Communication - E-message	01/11/22	OTP	Yes
13.	CAR-OTP-2122-6170	P-1839	Communication - E-message	01/11/22	OTP	Yes
14.	CAR-OTP-2122-6224	P-1839	Communication - E-message	01/11/22	OTP	Yes
15.	CAR-OTP-2119-0185	P-1839	Photograph/s	01/11/22	OTP	Yes
16.	CAR-OTP-2066-1459	P-1839	Sketch	01/11/22	OTP	Yes
17.	CAR-OTP-2065-4512	P-1839	Audio / Video Material	01/11/22	OTP	Yes
18.	CAR-OTP-2065-3172	P-1839	Audio / Video Material	01/11/22	OTP	Yes
19.	CAR-OTP-2065-2903	P-1839	Audio / Video Material	01/11/22	OTP	Yes(at 00:00:00)
20.	CAR-D29-0010-0051	P-1839	Photograph/s	01/11/22	OTP	Yes
21.	CAR-D29-0010-0050	P-1839	Photograph/s	01/11/22	OTP	Yes
22.	CAR-D29-0003-0052	P-1839	Map	01/11/22	OTP	Yes
23.	CAR-OTP-2125-0745	P-1839	Photograph/s	02/11/22	OTP	Yes
24.	CAR-OTP-2094-3642	P-1839	List / table	02/11/22	OTP	Yes
25.	CAR-OTP-2066-1461	P-1839	Sketch	02/11/22	OTP	Yes
26.	CAR-OTP-2066-1460	P-1839	Sketch	02/11/22	OTP	Yes
27.	CAR-OTP-2065-4966	P-1839	Audio / Video Material	02/11/22	OTP	Yes
28.	CAR-OTP-2065-4942	P-1839	Audio / Video Material	02/11/22	OTP	Yes
29.	CAR-D29-0010-0064	P-1839	Photograph/s	02/11/22	OTP	Yes
30.	CAR-D29-0010-0063	P-1839	Photograph/s	02/11/22	OTP	Yes
31.	CAR-D29-0010-0061	P-1839	Photograph/s	02/11/22	OTP	Yes
32.	CAR-D29-0010-0060	P-1839	Photograph/s	02/11/22	OTP	Yes

Kind regards,



OTP Case Manager

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From: [REDACTED]
Sent: 03 November 2022 14:15
To: Trial Chamber V Communications
Cc: Associate Legal Officer-Court Officer; D30 Ngaissona Defence Team; D29 Yekatom Defence Team; OTP CAR IIB; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Subject: Ngaissona Defence Submission of Evidence following P-1839'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-1839's questioning by the non-calling party:

Count	Document ID	Title	Document Type	EVD - Date Used
1	CAR-OTP-2002-0723	La lettre que le Lieutenant Konaté, un des leaders Anti Balaka, a lu hier à la présidente Catherine Samba Panza	Communication - E-message	11/2/2022
2	CAR-OTP-2101-3225	Note explicative (NGAISSONA)	Correspondence - Letter	11/2/2022

Sincerely,

[REDACTED] on behalf of the Ngaissona Defence

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From: [REDACTED]
Sent: 04 November 2022 15:28
To: Trial Chamber V Communications
Cc: OTP CAR IIB; D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer
Subject: Yekatom Defence submission of evidence following the examination of P-1839

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 Defence for Mr Yekatom respectfully seeks the formal submission of the following documents used during its examination witness P-1839.

#	ERN	Title	Confidentiality Level	EVD – Date Used	WIT – Used Through
1.	CAR-D29-0001-0142	Etat signaletique et des services de YEKATOM Alfred	Confidential	11/2/2022	CAR-OTP-P-1839
2.	CAR-D29-0001-0426	PV de constat d'huissier de KPARAMBETI Victorien	Confidential	10/31/2022	CAR-OTP-P-1839
3.	CAR-D29-0003-0026	Map of Camp de Roux and Oubangui Hotel	Public	10/31/2022	CAR-OTP-P-1839
4.	CAR-D29-0003-0049	Cattin Crossroad and Sagbado field (900 meters)	Public	10/31/2022	CAR-OTP-P-1839
5.	CAR-D29-0003-0050	Cattin Crossroad and Sagbado field (700 meters)	Public	10/31/2022	CAR-OTP-P-1839
6.	CAR-D29-0003-0051	Cattin Crossroad and Sagbado field (400 meters)	Public	10/31/2022	CAR-OTP-P-1839
7.	CAR-D29-0003-0052	Map Yamwara / Cité de la Paix	Public	11/1/2022	CAR-OTP-P-1839
8.	CAR-D29-0006-0721	Transcription of CAR-OTP-2076-0815	Public	10/31/2022	CAR-OTP-P-1839
9.	CAR-D29-0006-1186	Translation of transcript of CAR-OTP-2065-4512	Public	11/1/2022	CAR-OTP-P-1839
10.	CAR-D29-0010-0042	Photoboard	Confidential	11/2/2022	CAR-OTP-P-1839
11.	CAR-D29-0010-0049	Photoboard of KPARAMBETI Cedric	Confidential	10/31/2022	CAR-OTP-P-1839
12.	CAR-D29-0010-0050	Photograph of 'Satan'	Confidential	11/1/2022	CAR-OTP-P-1839
13.	CAR-D29-0010-0051	Photograph of 'Satan'	Confidential	11/1/2022	CAR-OTP-P-1839
14.	CAR-D29-0010-0060	Screenshot (1)	Confidential	11/2/2022	CAR-OTP-P-1839
15.	CAR-D29-0010-0061	Screenshot (2)		11/2/2022	CAR-OTP-P-1839
16.	CAR-D29-0010-0062	Photograph of OZOU Modeste	Confidential	10/31/2022	CAR-OTP-P-1839
17.	CAR-D29-0010-0063	Photograph of KOBAN Francklin	Confidential	11/2/2022	CAR-OTP-P-1839
18.	CAR-D29-0010-0064	Montage CAR-OTP-2065-4966 et CAR-D29-0010-0063	Confidential	11/2/2022	CAR-OTP-P-1839
19.	CAR-D29-0013-0094	Acte de naissance de OZOU KEAPEY Modeste Stéphane	Confidential	10/31/2022	CAR-OTP-P-1839
20.	CAR-D29-0015-0029	Carte d'identite de KPARAMBETI Cedric	Confidential	10/31/2022	CAR-OTP-P-1839
21.	CAR-D29-0018-0001	Metadata of CAR-D29-0010-0063	Confidential	11/2/2022	CAR-OTP-P-1839
22.	CAR-OTP-2001-8191	DSCF4080.JPG	Confidential	10/31/2022	CAR-OTP-P-1839
23.	CAR-OTP-2049-0524	YUN00001.mp4	Confidential	10/31/2022	CAR-OTP-P-1839
24.	CAR-OTP-2065-1055	AA023401.MXF	Public	10/31/2022	CAR-OTP-P-1839
25.	CAR-OTP-2065-1444	AA042701.MXF	Public	10/31/2022	CAR-OTP-P-1839

26.	CAR-OTP-2065-1448	AA042801.MXF	Public	10/31/2022	CAR-OTP-P-183
27.	CAR-OTP-2065-2903	AA019201.MXF	Public	11/1/2022	CAR-OTP-P-183
28.	CAR-OTP-2065-3172	AA007501.MXF	Public	11/1/2022	CAR-OTP-P-183
29.	CAR-OTP-2065-3180	AA007701.MXF	Public	10/31/2022	CAR-OTP-P-183
30.	CAR-OTP-2065-4512	AA008901.MXF	Public	11/1/2022	CAR-OTP-P-183
31.	CAR-OTP-2065-4942	AA002001.MXF	Public	10/28/2022 11/2/2022	CAR-OTP-P-183
32.	CAR-OTP-2065-4966	AA002601.MXF	Public	11/2/2022	CAR-OTP-P-183
33.	CAR-OTP-2065-6276	AA042701.MXF	Confidential	10/31/2022	CAR-OTP-P-183
34.	CAR-OTP-2065-6278	AA042801.MXF	Confidential	10/31/2022	CAR-OTP-P-183
35.	CAR-OTP-2065-6376	AA047701.MXF	Confidential	10/31/2022	CAR-OTP-P-183
36.	CAR-OTP-2065-6610	Metadata Extraction of CAR-OTP-2065-0716 - AA015001.MXF	Confidential	10/31/2022	CAR-OTP-P-183
37.	CAR-OTP-2065-6762	Metadata Extraction of CAR-OTP-2065-1055 - AA023401.MXF	Confidential	10/31/2022	CAR-OTP-P-183
38.	CAR-OTP-2065-7108	Metadata Extraction of CAR-OTP-2065-2903 - AA019201.MXF	Confidential	11/1/2022	CAR-OTP-P-183
39.	CAR-OTP-2065-7122	Metadata Extraction of CAR-OTP-2065-3172 - AA007501.MXF	Confidential	11/1/2022	CAR-OTP-P-183
	CAR-OTP-2065-7126	Metadata Extraction of CAR-OTP-2065-3180 - AA007701.MXF	Confidential	10/31/2022	CAR-OTP-P-183
40.	CAR-OTP-2065-7532	Metadata Extraction of CAR-OTP-2065-4512 - AA008901.MXF	Confidential	11/1/2022	CAR-OTP-P-183
41.	CAR-OTP-2065-7668	Metadata Extraction of CAR-OTP-2065-4849 - AA016801.MXF	Confidential	11/1/2022	CAR-OTP-P-183
42.	CAR-OTP-2066-1459	ANNEXE E	Confidential	11/1/2022	CAR-OTP-P-183
43.	CAR-OTP-2066-1460	ANNEXE F	Confidential	11/2/2022	CAR-OTP-P-183
44.	CAR-OTP-2066-1461	ANNEXE G	Confidential	11/2/2022	CAR-OTP-P-183
45.	CAR-OTP-2066-1465	ANNEXE K	Confidential	10/31/2022	CAR-OTP-P-183
46.	CAR-OTP-2066-1468	ANNEXE N	Confidential	10/31/2022 11/1/2022	CAR-OTP-P-183
47.	CAR-OTP-2076-0815	GR antibalakas.mp3	Public	10/31/2022	CAR-OTP-P-183
48.	CAR-OTP-2119-0185	DSCN1398.JPG	Confidential	11/1/2022	CAR-OTP-P-183
49.	CAR-OTP-2122-6166		Confidential	11/1/2022	CAR-OTP-P-183
50.	CAR-OTP-2122-6167		Confidential	11/1/2022	CAR-OTP-P-183
51.	CAR-OTP-2122-6168		Confidential	11/1/2022	CAR-OTP-P-183
	CAR-OTP-2122-6169		Confidential	11/1/2022	CAR-OTP-P-183
52.	CAR-OTP-2122-6170		Confidential	11/1/2022	CAR-OTP-P-183
53.	CAR-OTP-2122-6224		Confidential	11/1/2022	CAR-OTP-P-183
54.	CAR-OTP-2122-6334		Confidential	11/1/2022	CAR-OTP-P-183
55.	CAR-OTP-2122-6369		Confidential	11/1/2022	CAR-OTP-P-183
56.	CAR-OTP-2122-7503	Transcription de document audio/video / AA007701.MXF	Public	10/31/2022	CAR-OTP-P-183
57.	CAR-OTP-2125-0717	Annex B	Confidential	11/1/2022	CAR-OTP-P-183
58.	CAR-OTP-2125-0745	Fleury TIPKA / alias Apach proche de coeur de lion	Confidential	11/2/2022	CAR-OTP-P-183
59.	CAR-OTP-2136-0237	CARTE D'IDENTIFICATION / No. ID: 24/24/14	Confidential	11/2/2022	CAR-OTP-P-183
60.	CAR-OTP-2136-0241	CARTE D'IDENTIFICATION / No. ID: 24/26/16	Confidential	11/2/2022	CAR-OTP-P-183

The Defence also wishes to bring to the Chamber's attention some clarification regarding its use of item CAR-OTP-2065-6376, which consists of the metadata of a video provided by P-1819. The Defence erroneously referred to this item (T-172-CONF-FRA RT at 10:49:43) as the metadata of video CAR-OTP-2065-1568 although the correct metadata file for this video is CAR-OTP-2065-6338. The Defence therefore excluded item CAR-OTP-2065-6376 from its above submission.

In any event, both the video (CAR-OTP-2065-1568) and the correct metadata file (CAR-OTP-2065-6338) are already recognised as formally submitted.

The Defence apologises to the Chamber and the Parties for this oversight and for any inconvenience caused.

Kind regards,



Yekatom Defence

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From: OTP CAR IIB
Sent: 04 November 2022 15:50
To: Trial Chamber V Communications
Cc: Associate Legal Officer-Court Officer; D30 Ngaissona Defence Team; D29 Yekatom Defence Team; OTP CAR IIB; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Subject: RE: Ngaissona Defence Submission of Evidence following P-1839's testimony

Dear Trial Chamber V,

The Prosecution opposes the submission of document CAR-OTP-2002-0723 by the NGAISSONA defence on the ground that the document lacks probative value.

The document in question is a twitter post with attached the photo of an handwritten letter that Lieutenant Konaté would have allegedly read to former CAR President SAMBA-PANZA.

This twitter post was downloaded from the internet and registered. However, no reliable information was obtained as to its provenance and the date in which it was created. Due to the lack of basic information, both with regard to the twitter post and its attachment, the document does not bear sufficient indicia of reliability, including its authenticity, trustworthiness and accuracy. Therefore, the Chamber would not be in a position to assess whether the document is what the tendering party purports it to be.

As probative value is a key factor for the determination of documentary evidence admissibility, the document in question should not be submitted.

Kind regards,

On behalf of OTP Trial Team

From: [REDACTED]
Sent: jeudi 3 novembre 2022 14:15
To: Trial Chamber V Communication; [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED] D30 Ngaissona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; OTP CAR IIB [REDACTED] V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]
Subject: Ngaissona Defence Submission of Evidence following P-1839'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-1839's questioning by the non-calling party:

Count	Document ID	Title	Document Type	EVD - Date Used
1	CAR-OTP-2002-0723	La lettre que le Lieutenant Konaté, un des leaders Anti Balaka, a lu hier à la présidente Catherine Samba Panza	Communication - E-message	11/2/2022
2	CAR-OTP-2101-3225	Note explicative (NGAISSONA)	Correspondence - Letter	11/2/2022

Sincerely,

██████████ on behalf of the Ngaïssona Defence

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