

ANNEX 1

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 27 June 2023 11:42
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-2625
Attachments: Ngaïssona Defence Submission of Evidence following P-2625'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-2625 by the Ngaïssona Defence and the Prosecution, and their respective objections and responses thereto (see emails below and attached).

At the outset, the Chamber notes that items CAR-OTP-00000405 and CAR-OTP-00000406 have already been recognised as submitted, and therefore it need not rule on them again.

Further, the Chamber notes the objections of the Ngaïssona Defence to the submission of **CAR-OTP-2087-9290**, arguing that (i) the witness had never seen the document before; (ii) another witness to whose statement this document was annexed has not testified and authenticated the document; and (iii) a third witness's testimony is in contradiction with the testimony of P-2625 regarding this document. The Ngaïssona Defence also argues that should the Chamber recognise its submission, the document should be afforded low probative value.

Having considered the item and the arguments by the parties, the Chamber is of the view that the submissions of the Ngaïssona Defence rather concern the relevance and probative value of the item. In this regard, the Chamber recalls that it will consider these matters when deliberating on its judgment. Further noting that there do not appear to be any procedural bars, obstacles or preconditions in relation to this item, the Chamber therefore recognises submission of CAR-OTP-2087-9290.

Finally, the Chamber notes the Ngaïssona Defence's observations on the authenticity and probative value of items CAR-OTP-2001-0984, CAR-OTP-2002-0692, CAR-OTP-2074-0278, CAR-OTP-2091-1711, CAR-OTP-2091-1743, CAR-OTP-2091-1804, CAR-OTP-2123-0414, CAR-OTP-2123-0430, CAR-OTP-2123-0437, CAR-OTP-2123-0461, CAR-OTP-2123-0466, CAR-OTP-2123-0467, CAR-OTP-2123-0469, CAR-OTP-2124-0002, CAR-OTP-2130-3423, and CAR-OTP-2130-3641, and recalls, as also noted by the Ngaïssona Defence, 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.

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

Doc ID	Title	Type
CAR-D30-0004-0114	Letter dated 9 August 2013 from the Secretary-General addressed to the President of the Security Council / S/2013/476	Correspondence (letter)
CAR-D30-0006-0076	Centrafrique : lettre a M. Mahamat Kamoun sur le plagiat et la malhonnêteté intellectuelle de son conseiller A. Poussou	Media / press article
CAR-D30-0006-0081	Centrafrique : ici vous saurez pourquoi, en détail, ou presque pourquoi le ministron Adrien Poussou est en cavale	Media / press article

CAR-D30-0006-0084	Nourredine Adam proclame la République de Dar El Kouti	Media / press article
CAR-OTP-00000422	INVESTIGATION REPORT / CARIIB Investigation / Additional information re P-2625	ICC Investigation notes / report / correspondence
CAR-OTP-2122-7139	Urgences	Communication - E-mail
CAR-OTP-2123-0599		Communication - E-mail
CAR-OTP-2127-4444	La France	Communication - E-mail
CAR-OTP-2127-6432	INVESTIGATOR'S REPORT / Related to sms exchange with P-2642	ICC Investigation notes / report / correspondence
CAR-OTP-2134-0179	PROCÈS-VERBAL D'INVESTIGATIONS / Nmr P.V. 00188 / Nrm pièce 15	Non ICC Statement (Note / Screening / Transcript)
CAR-OTP-2134-0218	PROCÈS-VERBAL D'INVESTIGATIONS / Nmr P.V. 00188 / Nrm pièce 17	Non ICC Statement (Note / Screening / Transcript)
CAR-OTP-2134-0223	No de dossier : 2007-03-02571/AF/IFN	Correspondence - Letter
CAR-OTP-2134-0248	Ressortissant CAF s'étant rendu dans son pays d'origine sous couvert d'un PD CAF malgré son statut de Réfugié en France	Communication - E-mail
CAR-OTP-2134-0300	BULLETIN NUMÉRO 2	Legal, Administration and Court document - non ICC
CAR-OTP-2134-0360	PROCÈS-VERBAL DE PERQUISITION / 60726 / 00017 / 99	Report
CAR-D30-0001-0034	Ordre de mission no 2690/MSGGRI/DIRCAB/SOM	Correspondence - Letter
CAR-D30-0006-0088	Le Point - Centrafrique : le vol Air France vers Bangui fait demi-tour et rentre à Paris	Media / press article
CAR-OTP-2001-0256	Résolution 2121 (2013) / S/RES/2121(2013)	Legislation / government instruction / guidelines
CAR-OTP-2130-1290	Traduction / Transcription de document audio/vidéo / 27 Communiqué de Presse COAC 090313 Fr S.mp3	Translation - FRA
CAR-OTP-2001-0984	SECURITY COUNCIL COMMITTEE CONCERNING CENTRAL AFRICAN REPUBLIC LISTS THREE INDIVIDUALS SUBJECT TO MEASURES IMPOSED BY RESOLUTION 2134 (2014)	Media / press article
CAR-OTP-2002-0692	Le FDPC d'Abdoulaye MISKINE rallie le FROCCA	Media / press article
CAR-OTP-2074-0278		Media / press article
CAR-OTP-2087-9290	Annexe 46	List / table
CAR-OTP-2091-1711	Centrafrique: COMMUNIQUE No. 004 DU FROCCA Relatif aux événements sanglants de Bangui	Media / press article
CAR-OTP-2091-1743	lapressedu16092013	Media / press article
CAR-OTP-2091-1804	François Bozizé sur RFI: «Si l'occasion se présente, je souhaite reprendre le pouvoir»	Media / press article
CAR-OTP-2123-0411	Annexe 1 / Curriculum Vitae	Personal data
CAR-OTP-2123-0413	Annexe 2	Correspondence - Letter
CAR-OTP-2123-0414	Annexe 3 / Afrique Nouvelle No.10 MAI 2013	Media / press article
CAR-OTP-2123-0430	Annexe 4 / Les anti balles AK : Diagnostic	Report
CAR-OTP-2123-0437	Annexe 5 / POURQUOI FRANCOIS BOZIZE EST IDENTIFIE COMME LE MAL CENTRAFRICAIN QU'IL FAUT ABSOLUMENT EXTIRPER POUR UN CENTRAFRIQUE NOUVEAU?	Report
CAR-OTP-2123-0452	Annexe 7	List / table
CAR-OTP-2123-0454	Annexe 8 / Francois Bozizé Michel Diotodia Centrafrique Seleka	Media / press article
CAR-OTP-2123-0461	Annexe 9 / Mouvement Révolutionnaire Populaire pour la Libération	Media / press article
CAR-OTP-2123-0466	Annexe 10 / COMMUNIQUE DE PRESSE FROCCA No. 5	Communication - E-message
CAR-OTP-2123-0467	Annexe 11 / COMMUNIQUE No.006 FROCCA	Communication - E-message

CAR-OTP-2123-0469	Annexe 12 / Centrafrique : Le FROCCA de Bozizé réagit Suite aux événements de BOY-RABE	Media / press article
CAR-OTP-2124-0002	Tr : Le BUREAU FROCCA	Communication - E-mail
CAR-OTP-2130-3423	GROUPE DE SOUTIEN AU FRONT DE RETOUR A L'ORDRE CONSTITUTIONNEL EN CENTRAFRIQUE (GSFROCCA)	Legislation / government instruction / public guidelines
CAR-OTP-2130-3641	Tr _	Communication - E-mail
CAR-REG-0001-0013		Court document - ICC

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: 03 February 2023 14:03
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]
[REDACTED] Associate Legal Officer-Court Officer [REDACTED] OTP CAR IIB
[REDACTED] OTP CAR IIB [REDACTED]
Subject: RE: Prosecution Submission of evidence following the examination of P-2625

Dear Trial Chamber V,
Dear all,

The Prosecution acknowledges that, contrary to what it had stated in its email sent on 31 January 2023 at 20:34, document CAR-OTP-2087-9290 was not provided by P-0952, but is rather a copy of document CAR-OTP-2075-0737 shown by the investigators to this witness in the course of her interview. The Prosecution apologises for this oversight, and thanks the Defence for its diligence.

Nevertheless, it maintains its request for formal submission of item CAR-OTP-2087-9290. Given that this document was discussed during P-2625's in-court testimony under this ERN, the formal submission of this version of the document will facilitate the reading of the witness' evidence. As mentioned, the original version of this document, CAR-OTP-2075-0737, being already on the record, there is no apparent reason to decline the formal submission of CAR-OTP-2087-9290 on the basis of its probative value.

The Prosecution notes the observations from the Defence regarding the metadata for the document. It confirms its accuracy in light of the eCourt Protocol : the document having been annotated in the course of P-0952's interview (marked as annex 46 and signed by the witness), it is different from the original document shown to her, and, therefore, can only be treated as a document distinct from the original provided by P-0884. In addition, the fact that this document CAR-OTP-2087-9290 is, *de facto*, document CAR-OTP-2075-0737 registered under another ERN, as an annex to P-0952's statement, is made clearly apparent: the original ERN appears on the document together with the subsequent ERN CAR-OTP-2087-9290.

Thank you,
And kind regards,

On behalf of OTP Trial Team

From: [REDACTED]
Sent: mercredi 1 février 2023 18:19
To: [REDACTED]; OTP CAR IIB [REDACTED] Trial
Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team

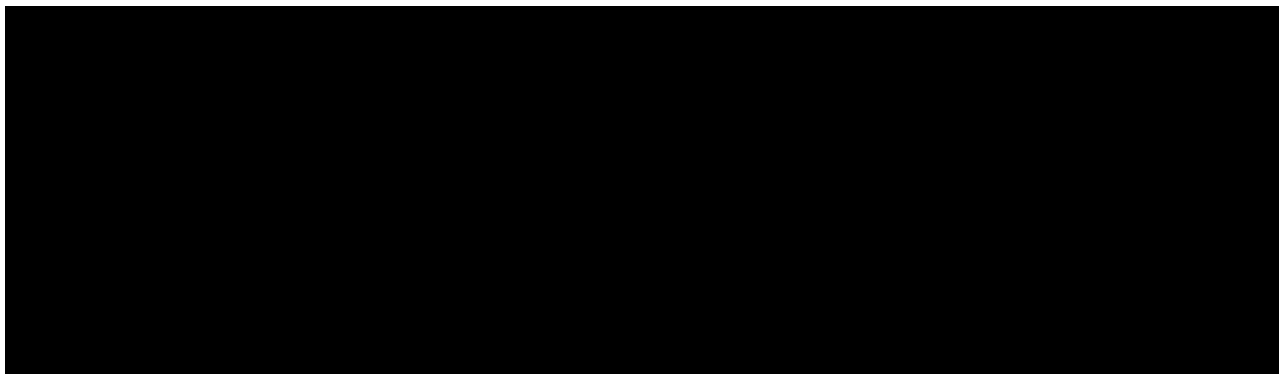
[REDACTED] >; V44 LRV Team OPCV [REDACTED] V44 LRV Team
 <[REDACTED] V45 LRV Team [REDACTED]
 [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; OTP CAR IIB
 [REDACTED]

Subject: RE: Prosecution Submission of evidence following the examination of P-2625

Dear Trial Chamber V,
 Dear parties and participants,

First, the Defence recalls that para. 63(ii) of the initial directions provides that “(ii) [n]o later than three working days following receipt of the email mentioned in part (i) above, and pursuant to Rule 64 of the Rules, the other participants may send emails in response, raising issues related to the relevance or admissibility of the items submitted” (ICC-01/14-01/18-631). Therefore, the comments of the Defence on the relevance and probative value of the documents are not premature. As mentioned, the Defence understands that those arguments will be taken into account when deliberating on the judgment.

Second, documents CAR-OTP-2087-9290 and CAR-OTP-2075-0737 are not two different documents coming from two different sources. Document CAR-OTP-2075-0737 is the original document, provided to the OTP by P-0884 on 23-03-2018 according to the metadata, and as confirmed by P-0884 in his written statement (see CAR-OTP-2080-1565 at 1568, lines 72-73 and at 1573, lines 262-276. Subsequently, on 10-08-2018, this document (CAR-OTP-2075-0738) **was shown** to P-0952, during her statement to the OTP (CAR-OTP-2107-1070, at 1084), and P-0952 responded that she had no knowledge of this document :



This document was eventually annexed to P-0952’s statement and attributed a new ERN : CAR-OTP-2087-9290. Therefore, the assertion that “multiplicity of sources is an indicia of authenticity” cannot be applied to this specific document as there is only one source, namely P-0884.

Lastly, The Defence notes with concern that the metadata of document CAR-OTP-2087-9290 is incorrect for the following two reasons:

First, the Source Identity indicates [REDACTED] while it should state [REDACTED]. The eCourt Protocol specifies that for the Source Identity field, “the name of the person providing the document shall be reflected (emphasis added)” (see ICC-01/14-01/18-677-Anx4, p. 13).

Second, the metadata does not reflect the correct chain of custody of the document as it indicates : [REDACTED], and does not indicate that it was handed over by P-0884 to the investigators of the Prosecution. The eCourt Protocol states that the Chain of Custody field “should list all entities/persons who had custody of the item, in chronological order” (see ICC-01/14-01/18-677-Anx4, p. 13). While the eCourt Protocol does not specify whether the “item” is the original document or the “copy”, the practical implications of each interpretation should favour the first interpretation : “item” means “original item” and not “copy”. The second interpretation would not allow one to retrieve the source/author of a document. This would not allow the Court to subsequently assess the authenticity or the integrity of the item of evidence. It would simply negate the sense of this field.

Therefore, the Defence maintains its objection and requests the Prosecution to clarify the metadata of document CAR-OTP-2087-9290.

Respectfully yours,

[REDACTED]

From: [REDACTED]
Sent: 31 January 2023 20:34
To: [REDACTED] >; OTP CAR IIB [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]
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED] OTP CAR IIB [REDACTED] >
Subject: RE: Prosecution Submission of evidence following the examination of P-2625

Dear Trial Chamber V,
 Dear all,

The Prosecution notes that the Ngaissona Defence only objects to the submission of item CAR-OTP-2087-9290. The Prosecution maintains its position regarding the submission of this document.

First, the formal submission of another version of the same document (CAR-OTP-2075-0737) has already been granted by the Chamber, following P-0808's testimony (see the Chamber's "Decision on Submitted Materials for P-0808" (email of 2 June 2022, 17:30)). The two documents being identical, there is no reason for the Chamber to reject the submission of document CAR-OTP-2087-9290 on the basis of its probative value.

Second, the submission of document CAR-OTP-2087-9290 remains justified although another version of the same document is already on the record. The sources of these two copies are different (CAR-OTP-2087-9290 was provided by P-0952; CAR-OTP-2075-0737 was provided by P-0884). The multiplicity of sources is an indicia of authenticity.

Third, this document was discussed by P-2625 in the course of his direct examination. The witness provided comments about its content, confirming that "[t]he Anti-Balaka had requests [and] wanted to be part of the transitional institutions in exchange for their actions in order to bring back peace to the country". As pointed by the Defence, he considered "plausible" that the Anti-Balaka made the requests listed in the document (ICC-01/14-01/18-T-190-ENG CT, p. 34, l. 9-12). The submission of document CAR-OTP-2087-9290 is obviously necessary to understand P-2625's in-court testimony (in addition to having a clear relevance to the case in consideration of its content).

The Prosecution notes that the Defence provides, in its email, comments about the probative value of submitted materials although not objecting to their submission. These comments from the Defence are premature. The Chamber will assess the relevance and the probative value of the submitted materials when deliberating, in light of the totality of the evidence adduced by the parties and the participants. The Prosecution reserves the possibility to address the matter further with the Chamber at a later point.

Kind regards,

On behalf of OTP Trial Team.

From: [REDACTED]
Sent: 30 January 2023 20:52
To: OTP CAR IIB [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]
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED]

Subject: RE: Prosecution Submission of evidence following the examination of P-2625

Dear Trial Chamber V,
 Dear all,

The Defence for Mr Ngaïssona ("Defence") takes note of the Prosecution's submission of evidence following P-2625 testimony. The Defence presents below its objections and observations on the authenticity and probative value of the items in the table for ease of reference given the amount of documents to be assessed.

The Defence respectfully requests the Chamber to take into account the arguments on the authenticity and probative value of the items when deliberating on the judgment.

Count	Doc ID	Type	EVD – Date used	Request Submission	Analysis
1	CAR-OTP-2001-0984	Media / press article	16.01.2023	YES	This document is of low probative value given there is no source for the information provided therein. In addition, at page 0985, it is mentioned "for information media – not an official record". Therefore, the document should be treated as a media press article.
2	CAR-OTP-2002-0692	Media / press article	18.01.2023	YES	Limited probative value should be given to this document. During the hearing, P-2625 mentioned that he only read this information at the time of the publishing of this article, therefore P-2625 has no direct knowledge on the adhesion of the FDPC to FROCCA (T-190 ENG ET, page 11 line 25).
3	CAR-OTP-2069-3544	Correspondence - Letter	18.01.2023	NO	The Defence notes that the document is already formally submitted. However, given the new information provided by P-2625 during his testimony, the Defence provides the following additional submissions as to the probative value of this document. [REDACTED] [REDACTED] [REDACTED] Therefore, the evidentiary weight of the document is low and should be assessed in light of the information elicited from witness P-2625.
4	CAR-OTP-2074-0278	Media / press article	18.01.2023	YES	The document is of very low probative value. The Defence recalls its objections to the line of questioning related to this press article (T-190 ENG ET, p. 15, lines 2-8): "what the Prosecution is effectively doing is leading the witness. Instead of asking the witness whether he recalls any discussions about this topic, the Prosecution turns it around, first introduces newspaper articles, apart from the probative value and the political favour of the journalists in question, the Prosecution basically is circumventing the fact that the witness should, from his own recollection, speak about potential contact within the alleged FROCCA group." The judge in this regard recalled that "I'm not sure if it makes so much sense to show further newspaper articles. I'm very critical about showing newspaper articles anyway, as everybody knows here in the courtroom from hearings in the past. [...] newspaper articles, they reflect the opinion of someone." (T-190 ENG RT, p. 15 lines 20-24). Therefore, given the Prosecution's methodology, by which it led the witness while presenting this press

					article, as well as the low probative value of the press article, as acknowledged by the Presiding Judge, this document has very low probative value.
5	CAR-OTP-2087-9290	List / table	18.01.2023	YES	The Defence objects to the submission of the following document. <i>First</i>, the witness had never seen this document before, as mentioned at T-190 ENG ET, p. 33, line 24. At page 34, lines 11-12, P-2625 recalls that "it is very plausible that these Anti-Balaka members would have these requests, which I'm seeing here for the first time", therefore the word <i>plausible</i> suggests that the witness is making inferences here and does not recall ever seeing the document before. <i>Second</i>, the document is an annex to P-0952's statement, who refused to testify. Therefore, P-0952 is not present to authenticate the document, discuss it and explain the context of its drafting. <i>Finally</i>, the Defence recalls P-0884 live testimony (T-056-CONF-ENG CT, pages 48-49) whereby the witness said that requesting these positions was an idea of President Samba-Panza herself. P-0884 further stated "The idea is that Samba-Panza -- it was an idea of Catherine Samba-Panza. They had a source of income which could take in charge of these people rather than make them commit actions like stealing, thieving, so that's just one way of dealing with it." (page 49). The conclusions presented by P-0884 are in contradiction with the version presented by P-2625. In light of the above, submission of the document through P-2625 should be rejected. Should the Chamber grant the submission of this item of evidence, the document should be afforded low probative value in light of the above arguments.
6	CAR-OTP-2088-2034	Audio / Video Material	18.01.2023	NO	The Defence notes that the document is already formally submitted. However, given the new information provided by P-2625 during his testimony, the Defence provides the following additional submissions as to the probative value of this document. The Defence recalls its objection that the witness left FROCCA in September and therefore the witness could only speculate on the actions of FROCCA related to the 5 December attack (See T-190 ENG ET, page 25, lines 19-24). As a matter of fact, when asked whether FROCCA had anything to do with the 5 December attack, the Witness said that "<u>In concrete terms, I do not have any information.</u> If I was asked to take any proof out of my pocket, I do not have any information to that effect. But one does not overthrow power in a spontaneous manner. (emphasis added)" (T-190 ENG ET, page 26, lines 22-25) and adds at page 26 that the identity of the attackers "could led one to believe" what Lin Banoukepa said in the audio, further confirming that the witness can only speculate and make inferences on the relationship between FROCCA and the 5 December attack.
7	CAR-OTP-2091-1711	Media / press article	17.01.2023	YES	Low probative value should be given to this item of evidence given that the author of the document is not part of the witnesses testifying in this trial.
8	CAR-OTP-2091-1743	Media / press article	18.01.2023	YES	The document which is a press article is of very limited probative value. The Defence recalls its submissions with regards to item CAR-OTP-2002-0692, above. The witness only read the document at the time and does not have concrete information on the adhesion of the FDPC to FROCCA (T-190 ENG ET, p. 12, lines 19-25).
9	CAR-OTP-2091-1804	Media / press article	17.01.2023	YES	Low probative value should be given to this item due to the nature of the document which is a press article and given that the author [REDACTED], is not testifying in this case, nor the person interviewed.
10	CAR-OTP-2107-1596	Transcript	18.01.2023	NO	See above under #6 which is the audio being transcribed.

11	CAR-OTP-2123-0411	Personal data	16.01.2023	YES	The Defence does not have any observation for the time being but reserve its right to provide further submissions should any new information arise.
12	CAR-OTP-2123-0413	Correspondence - Letter	16.01.2023	YES	The Defence does not have any observation for the time being but reserve its right to provide further submissions should any new information arise.
13	CAR-OTP-2123-0414	Media / press article	17.01.2023	YES	Low evidentiary weight should be accorded to this item of evidence considering the responses elicited from the witness regarding this item and the leading line of questioning of the Prosecution in this regard. The Prosecution's questions were framed in a way that precluded the witness to provide a spontaneous and genuine answer on the article. Not only was the witness asked to speculate by interpreting what former President Bozizé could have meant in his answers, but the Prosecution was providing to the witness, through its questioning, its own narrative and interpretation before asking the witness whether he was in agreement with such narrative. The most striking example is to be found at T-189, page 19, lines 11-16 : (Prosecution question) <i>"Everything that's done outside the context of democracy distances itself from peace." I think. It's how I understand it. But, as you've recounted in your testimony so far concerning the meetings that were held in Cameroon and discussions about an armed rebellion, did that strike you as contradictory or -- hypocritical isn't really the right word, I think contradictory is the right word. What is your view on that answer by President Bozizé?</i> ". P-2625 gave a generic answer which does not contain any concrete element supporting the narrative : <i>"It was contradictory, but it didn't come as a surprise to me, coming from him. *This is not his first renouncement, and he is a politician after all. And politics in the Central African Republic, back home, is the art of saying the contrary to what one believes, what one really thinks."</i> (T-189-CONF ENG ET, p. 19, lines 17-20).
14	CAR-OTP-2123-0430	Report	18.01.2023	YES	This document has low probative value. The witness testified that this document was drafted by himself on 18 February 2014. The witness explained that "The figures that you can see on the document, which I stuck with since I used them again, these are the figures provided by the Central African Intelligence Agency at the time. But as I said in my statement, the Bozizé clan was seen as being the creator of the Anti-Balaka, as those who stood behind them. And then on the ground, after the attack of 5 December, many people close to President Bozizé, or people who were considered close to the president, led different factions of the Anti-Balaka. So all of this information led to this conclusion." (T-190 ENG ET, pages 30-31, lines 20-1). <i>First</i>, the witness explains that he based this information on intelligence reports. The Defence confronted the witness with the response of P-0291 with regards to the value of those intelligence reports often falsified to settle personal scores. The witness at least partially shares this view and agreed that there is a tendency for intelligence officers to make up stories to settle personal scores even if he mentions that it does concern the entire intelligence services. (see T-192 ENG RT, page 83, lines 17-23) In any event, in the absence of corroboration, the information provided by intelligence officers should not be taken at face value and be accorded a low probative weight. <i>Second</i>, the witness mentions that he drew the conclusion that former President Bozizé was related to the Anti-Balaka because people "who were considered close to the president led different factions of the Anti-Balaka". Therefore, P-2625 himself confirms the speculative nature of this information.
15	CAR-OTP-2123-0437	Report	16.01.2023	YES	This document has low probative value.

					<i>First</i>, the document was not drafted by the witness. The witness only mentions that he read it. <i>Second</i>, during the questioning, the Defence objected to one of the Prosecution questions on the basis that it called for speculation which prompted the judge to state that "Well, we are generally -- with regard to all these questions, we are a <u>little bit in the realm of a mixture of a person who is -- has more information than perhaps an ordinary citizen, but is not an immediate witness</u>. So if you reword it a little bit with regard to what his understanding was again, then I will let it pass. But you are also aware of this, Mr Vanderpuye, that, as I said, you could ask any citizen, but he is of course a much better informed citizen than any other. Because of that, we do allow this line of questioning, but it's really mainly about what his understanding from his sources of information was and that's it (emphasis added)." (T-188-CONF ENG ET, page 23, lines 4-12). Therefore, any information provided by P-2625 with regards to this document amounts to opinion evidence.
16	CAR-OTP-2123-0452	List / table	16.01.2023	YES	The Defence does not have any observation for the time being but reserve its right to provide further submissions should any new information arise.
17	CAR-OTP-2123-0454	Media / press article	17.01.2023	YES	The Defence does not have any observation for the time being but reserve its right to provide further submissions should any new information arise.
18	CAR-OTP-2123-0461	Media / press article	18.01.2023	YES	Low probative weight should be given to this item of evidence in light of the witness' answer who qualified the group as "factitious". The witness stated with regard to the joining of MOREPOL to FROCCA that: "One should say that in the main, these groups are factitious. One individual alone can draft the text and refer to a group in order to show that there is public support for the FROCCA, but in reality this group does not exist. That is the case for MOREPOL, Levy Yakete's MOREPOL, that we read a press release for earlier." (T-190 ENG ET, page 8, lines 1-5). Therefore, the content of the document should not be taken at face value given that, according to P-2625, those groups were mainly factitious groups.
19	CAR-OTP-2123-0466	Communication - E-mess	17.01.2023	YES	This document lacks probative value. <i>First</i>, the alleged author of the document is not part of the witnesses testifying in this trial and therefore any comment on the terms used in the FROCCA communiqué remains an interpretation of P-2625. <i>Second</i>, the communiqué was published by the facebook account "Bangui Frocca" which does not belong to P-2625 and therefore, the authenticity of this facebook post cannot be assessed. <i>Finally</i>, the commentaries of facebook users under the facebook post should not be taken into account in the assessment of this item of evidence as they are provided by anonymous individuals.
20	CAR-OTP-2123-0467	Communication - E-message	17.01.2023	YES	This document lacks probative value. <i>First</i>, the alleged author of the document is not part of the witnesses testifying in this trial and therefore any comment on the terms used in the FROCCA communiqué remains an interpretation of P-2625. <i>Second</i>, the communiqué was published by the facebook account "Bangui Frocca" which does not belong to P-2625 and therefore, the authenticity of this facebook post cannot be assessed. <i>Finally</i>, the commentaries of facebook users under the facebook post should not be taken into account in the assessment of this item of evidence as they are provided by anonymous individuals.

From: OTP CAR IIB [REDACTED]

Sent: 25 January 2023 18:15

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]

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

[REDACTED] OTP CAR IIB [REDACTED]

Subject: Prosecution Submission of evidence following the examination of P-2625

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 submits the documents listed below relating to the testimony of witness P-2625. The Prosecution requests that these documents 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	Type	EVD – Date used
1	CAR-OTP-2001-0984	CAR-OTP-P-2625	Media / press article	16.01.2023
2	CAR-OTP-2002-0692	CAR-OTP-P-2625	Media / press article	18.01.2023
3	CAR-OTP-2069-3544	CAR-OTP-P-2625	Correspondence - Letter	18.01.2023
4	CAR-OTP-2074-0278	CAR-OTP-P-2625	Media / press article	18.01.2023
5	CAR-OTP-2087-9290	CAR-OTP-P-2625	List / table	18.01.2023
6	CAR-OTP-2088-2034	CAR-OTP-P-2625	Audio / Video Material	18.01.2023
7	CAR-OTP-2091-1711	CAR-OTP-P-2625	Media / press article	17.01.2023
8	CAR-OTP-2091-1743	CAR-OTP-P-2625	Media / press article	18.01.2023
9	CAR-OTP-2091-1804	CAR-OTP-P-2625	Media / press article	17.01.2023
10	CAR-OTP-2107-1596	CAR-OTP-P-2625	Transcript	18.01.2023
11	CAR-OTP-2123-0411	CAR-OTP-P-2625	Personal data	16.01.2023
12	CAR-OTP-2123-0413	CAR-OTP-P-2625	Correspondence - Letter	16.01.2023
13	CAR-OTP-2123-0414	CAR-OTP-P-2625	Media / press article	17.01.2023
14	CAR-OTP-2123-0430	CAR-OTP-P-2625	Report	18.01.2023
15	CAR-OTP-2123-0437	CAR-OTP-P-2625	Report	16.01.2023
16	CAR-OTP-2123-0452	CAR-OTP-P-2625	List / table	16.01.2023
17	CAR-OTP-2123-0454	CAR-OTP-P-2625	Media / press article	17.01.2023
18	CAR-OTP-2123-0461	CAR-OTP-P-2625	Media / press article	18.01.2023
19	CAR-OTP-2123-0466	CAR-OTP-P-2625	Communication - E-message	17.01.2023
20	CAR-OTP-2123-0467	CAR-OTP-P-2625	Communication - E-message	17.01.2023
21	CAR-OTP-2123-0469	CAR-OTP-P-2625	Media / press article	17.01.2023
22	CAR-OTP-2123-0473	CAR-OTP-P-2625	Media / press article	17.01.2023
23	CAR-OTP-2124-0002	CAR-OTP-P-2625	Communication - E-mail	17.01.2023
24	CAR-OTP-2124-0851	CAR-OTP-P-2625	Communication - E-mail	17.01.2023
25	CAR-OTP-2124-0852	CAR-OTP-P-2625	Contract / Agreement	17.01.2023
26	CAR-OTP-2130-3303	CAR-OTP-P-2625	Communication - E-mail	17.01.2023
27	CAR-OTP-2130-3423	CAR-OTP-P-2625	Legislation / government instruction / public guidelines	18.01.2023

Regarding document CAR-REG-0001-0013, provided by P-2625 in the course of his testimony, the Prosecution notes that it has already been admitted by the Chamber on the record of the case (ICC-01/14-01/18-T-193-ENG RT, p. 2, l. 21-p. 3, l. 19).

Kind regards,



OTP Case Manager

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From: [REDACTED]
Sent: 25 January 2023 16:07
To: Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; V44 LRV Team OPCV; V45 LRV Team; V44 LRV Team;
 OTP CAR IIB; D30 Ngaissona Defence Team; Associate Legal Officer-Court Officer
Subject: Ngaissona Defence Submission of Evidence following P-2625'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-2625's questioning by the non-calling party:

Count	Document ID	Title	Document Type	Document Date
1	CAR-D30-0004-0114	Letter dated 9 August 2013 from the Secretary-General addressed to the President of the Security Council / S/2013/476	Correspondence (letter)	8/9/2013
2	CAR-D30-0006-0076	Centrafrique : lettre a M. Mahamat Kamoun sur le plagiat et la malhonnêteté intellectuelle de son conseiller A. Poussou	Media / press article	9/19/2014
3	CAR-D30-0006-0081	Centrafrique : ici vous saurez pourquoi, en détail, ou presque pourquoi le ministre Adrien Poussou est en cavale	Media / press article	7/19/2015
4	CAR-D30-0006-0084	Nourredine Adam proclame la République de Dar El Kouti	Media / press article	12/16/2015
5	CAR-OTP-00000422-R011	INVESTIGATION REPORT / CAR IIB Investigation / Additional information re P-2625	ICC Investigation notes / report / correspondence	10/21/2022
6	CAR-OTP-2122-7139-R01	Urgences	Communication - E-mail	8/17/2020
7	CAR-OTP-2123-0599-R02		Communication - E-mail	12/17/2019
8	CAR-OTP-2127-4444-R03	La France	Communication - E-mail	10/16/2020
9	CAR-OTP-2127-6432-R03	INVESTIGATOR'S REPORT / Related to sms exchange with P-2642	ICC Investigation notes / report / correspondence	10/29/2020
10	CAR-OTP-2134-0179-R01	PROCÈS-VERBAL D'INVESTIGATIONS / Nmr P.V. 00188 / Nrm pièce 15	Non ICC Statement (Note / Screening / Transcript)	6/7/2021

11	CAR-OTP-2134-0218	PROCÈS-VERBAL D'INVESTIGATIONS / Nmr P.V. 00188 / Nrm pièce 17	Non ICC Statement (Note / Screening / Transcript)	6/7/2021
12	CAR-OTP-2134-0223	No de dossier : 2007-03-02571/AF/IFN	Correspondence - Letter	11/26/2007
13	CAR-OTP-2134-0248-R01	Ressortissant CAF s'étant rendu dans son pays d'origine sous couvert d'un PD CAF malgré son statut de Réfugié en France	Communication - E-mail	5/24/2018
14	CAR-OTP-2134-0300	BULLETIN NUMÉRO 2	Legal, Administration and Court document - non ICC	3/12/2014
15	CAR-OTP-2134-0360-R01	PROCÈS-VERBAL DE PERQUISITION / 60726 / 00017 / 99	Report	6/10/2021
16	CAR-D30-0001-0034	Ordre de mission no 2690/MSGGR/DIRCAB/SOM	Correspondence - Letter	11/6/2012
17	CAR-D30-0006-0088	Le Point - Centrafrique : le vol Air France vers Bangui fait demi-tour et rentre à Paris	Media / press article	12/26/2012
18	CAR-OTP-2001-0256	Résolution 2121 (2013) / S/RES/2121(2013)	Legislation / government instruction / guidelines	10/10/2013
19	CAR-OTP-2130-1290	Traduction / Transcription de document audio/vidéo / 27 Communiqué de Presse COAC 090313 Fr S.mp3	Translation - FRA	3/9/2013
20	CAR-OTP-00000405	P-0954 additional material 1.jpg	Correspondence - Letter	4/17/2012
21	CAR-OTP-00000406	P-0954 additional material 2.jpg	Correspondence - Letter	4/17/2012

Kind regards,



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