

ANNEX 1

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Version

From: Trial Chamber V Communications
Sent: 27 June 2023 14:37
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona 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-1647
Attachments: Prosecution Submission of evidence following the examination of P-1647

Follow Up Flag: Follow up
Flag Status: Flagged

[ICC] RESTRICTED

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the emails on the submission of evidence following the examination of P-1647 by the Prosecution and the Yekatom Defence (*see emails below and attached*).

At the outset, the Chamber notes that items CAR-OTP-2065-3172, CAR-OTP-2118-5654, CAR-D29-0010-0050, CAR-D29-0010-0051, CAR-OTP-2065-3220, CAR-D29-0002-0086 and CAR-OTP-2127-3668 have already been recognised as submitted, and therefore it need not rule on them again.

In addition, the Chamber observes that items CAR-OTP-2065-0806, CAR-OTP-2065-3977, CAR-OTP-2127-3686, CAR-OTP-2065-3865, CAR-OTP-2065-1015, CAR-OTP-2065-4617 and CAR-OTP-2130-1146 have been introduced into evidence pursuant to Rule 68(3) of the Rules through P-1819, subject to the fulfilment of the requirements of the rule. However, noting that P-1819 has 'definitively withdrawn [her] cooperation' and is not expected to be called by the Prosecution to testify (*see email from the Prosecution, 1 June 2023, at 17:27*), the Chamber recognises these items through P-1647.

Furthermore, the Chamber notes that items CAR-OTP-2095-5556, CAR-OTP-2095-5474, CAR-OTP-2095-5262, CAR-OTP-2095-5254, CAR-OTP-2095-5517 and CAR-OTP-2095-5570 have been recognised as submitted pursuant to Rule 68(2)(b) of the Rules in decision ICC-01/14-01/18-1907-Conf. However, such recognition is conditional on the declaration being provided under Rule 68(2)(b) (ii) and (iii). The Chamber therefore recognises these items through P-1647.

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

Doc ID	Title	Type
CAR-OTP-2095-5556	_ZUM3559.JPG	Photograph/s
CAR-OTP-2095-5474	_ZUM3477.JPG	Photograph/s
CAR-OTP-2095-5262	_LZN4966.JPG	Photograph/s
CAR-OTP-2095-5254	_LZN4958.JPG	Photograph/s
CAR-OTP-2095-5517	_ZUM3520.JPG	Photograph/s
CAR-OTP-2095-5570	_ZUM3573.JPG	Photograph/s
CAR-D29-0016-0100	Photograph of P-1647 posted 30 December 2015	Communication - E-mail

Doc ID	Title	Type
CAR-OTP-2065-0806	AA017201.MXF	Audio / Video Material
CAR-D29-0006-1324	Transcription de CAR-OTP-2065-0806	Transcript
CAR-OTP-2065-3977	AA010901.MXF	Audio / Video Material
CAR-OTP-2127-3686	Traduction / Transcription de document audio/vidéo / AA010901.MXF	Translation - FRA
CAR-OTP-2065-3865	AA008101.MXF	Audio / Video Material
CAR-OTP-2065-1015	AA022401.MXF	Audio / Video Material
CAR-D29-0006-1325	Traduction de CAR-D29-2065-1015	Translation – FR
CAR-OTP-2065-4085	AA013601.MXF	Audio / Video Material
CAR-D29-0006-1326	Transcription de CAR-OTP-2065-4085	Transcript
CAR-OTP-2065-4617	AA011001.MXF	Audio / Video Material
CAR-OTP-2130-1146	Traduction / Transcription de document audio/vidéo / AA011001.MXF	Translation - FRA
CAR-D29-0004-2592	Call Sequence Table - [REDACTED]	Call Data Records (CDR)
CAR-OTP-2094-7703	FICHE DE PRESENCE A LA REUNION ORGANISEE AU SECRETARIAT TECHNIQUE D'APPUI DU CONSEILLER DDDR/UEPNDDRR	List / table
CAR-D29-0004-2593	Call Sequence Table [REDACTED]	Call Data Records (CDR)
CAR-OTP-00000008	INVESTIGATION REPORT / Photograph of CAR-OTP-P-2620	ICC Investigation notes / report / correspondence
CAR-OTP-2112-1378	anti balaka svl.3gp	Audio / Video Material
CAR-D29-0006-0759	Transcription of CAR-OTP-2112-1378	Transcript

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

Doc ID	Title	Type
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CAR-OTP-2050-0654	WITNESS STATEMENT	ICC Statement - General
CAR-OTP-2102-0199	Traduction d'élément de preuve / DÉCLARATION DE TÉMOIN / WITNESS STATEMENT	ICC Statement - Translation - FRA
CAR-OTP-00000826	SR/observations - Notes	ICC Witness Preparation Log / Clarification
CAR-OTP-2050-0997	Annex A - IMGP1458.JPG	Photograph/s
CAR-OTP-2050-0998	Annex A - IMGP1459.JPG	Photograph/s

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: 30 January 2023 16:38
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED] D30 Ngaissona Defence Team [REDACTED]
 Associate Legal Officer-Court Officer [REDACTED] V44 LRV Team
 [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team
 [REDACTED] D29 Yekatom Defence Team [REDACTED]
Subject: Yekatom Defence submission of evidence following the examination of P-1647

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 Yekatom Defence requests the formal submission of the following items used during P-1647's testimony. The Defence realised a glitch in its disclosure and therefore re-disclosure item CAR-D29-0006-0759 in its entirety. The image update for item CAR-D29-0006-0758 is in process and will soon be shared with the parties. We apologise for any inconvenience caused.

Count	Document ID	Title	Document Type	WIT - Used Through	WIT - Used By
1.	CAR-D29-0002-0086	Reportage pour NDEKE LUKA du 15 avril 2014	Media / press article	CAR-OTP-P-1647 CAR-OTP-P-1813	D29
2.	CAR-D29-0004-2592	Call Sequence Table [REDACTED]	Call Data Records (CDR)	CAR-OTP-P-1647	D29
3.	CAR-D29-0004-2593	Call Sequence Table [REDACTED]	Call Data Records (CDR)	CAR-OTP-P-1647	D29
4.	CAR-D29-0006-0759	Transcription of CAR-OTP-2112-1378	Transcript	CAR-OTP-P-1647	D29
5.	CAR-D29-0006-1324	Transcription de CAR-OTP-2065-0806	Transcript	CAR-OTP-P-1647	D29
6.	CAR-D29-0006-1325	Traduction de CAR-D29-2065-1015	Translation - FR	CAR-OTP-P-1647	D29
7.	CAR-D29-0006-1326	Transcription de CAR-OTP-2065-4085	Transcript	CAR-OTP-P-1647	D29
8.	CAR-D29-0010-0050	Photograph of 'Satan'	Photograph/s	CAR-OTP-P-1339 CAR-OTP-P-1647	D29

				CAR-OTP-P-1839	
9.	CAR-D29-0010-0051	Photograph of 'Satan'	Photograph/s	CAR-OTP-P-1339	D29
				CAR-OTP-P-1647	
				CAR-OTP-P-1839	
10.	CAR-D29-0016-0100	Photograph of P-1647 posted 30 December 2015	Communication - E-mail	CAR-OTP-P-1647	D29
11.	CAR-OTP-00000008-R01	INVESTIGATION REPORT / Photograph of CAR-OTP-P-2620	ICC Investigation notes / report / correspondence	CAR-OTP-P-1647	D29
12.	CAR-OTP-2065-0806	AA017201.MXF	Audio / Video Material	CAR-OTP-P-1647	D29
13.	CAR-OTP-2065-1015	AA022401.MXF	Audio / Video Material	CAR-OTP-P-1647	D29
14.	CAR-OTP-2065-3220	AA008701.MXF	Audio / Video Material	CAR-OTP-P-1339	D29
				CAR-OTP-P-1647	OTP
				CAR-OTP-P-1858	
15.	CAR-OTP-2065-3865	AA008101.MXF	Audio / Video Material	CAR-OTP-P-1647	D29
16.	CAR-OTP-2065-3977	AA010901.MXF	Audio / Video Material	CAR-OTP-P-1647	D29
17.	CAR-OTP-2065-4085	AA013601.MXF	Audio / Video Material	CAR-OTP-P-1647	D29
18.	CAR-OTP-2065-4617	AA011001.MXF	Audio / Video Material	CAR-OTP-P-1647	D29
19.	CAR-OTP-2094-7703-R01	FICHE DE PRESENCE A LA REUNION ORGANISEE AU SECRETARIAT TECHNIQUE D'APPUI DU CONSEILLER DDRR/UEPNDDDR	List / table	CAR-OTP-P-1647	D29
20.	CAR-OTP-2112-1378	anti balaka svl.3gp	Audio / Video Material	CAR-OTP-P-1647	D29
21.	CAR-OTP-2127-3668	Traduction / Transcription de document audio/vidéo / AA008701.MXF	Translation - FRA	CAR-OTP-P-1339	D29
				CAR-OTP-P-1647	OTP
				CAR-OTP-P-1858	
22.	CAR-OTP-2127-3686	Traduction / Transcription de document audio/vidéo / AA010901.MXF	Translation - FRA	CAR-OTP-P-1647	D29
23.	CAR-OTP-2130-1146	Traduction / Transcription de document audio/vidéo / AA011001.MXF	Translation - FRA	CAR-OTP-P-1647	D29

Best regards,

[REDACTED]

Legal Intern – Yekatom Defence Team

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From: OTP CAR IIB
Sent: 27 January 2023 12:35
To: Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; [REDACTED] Associate Legal Officer-Court Officer; [REDACTED]; OTP CAR IIB
Subject: Prosecution Submission of evidence following the examination of P-1647

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-2012-0523	P-1647	Audio / Video Material	25/01/23	OTP	No
2	CAR-OTP-2039-0063	P-1647	List / table	25/01/23	OTP	No
3	CAR-OTP-2065-3172	P-1647	Audio / Video Material	25/01/23	OTP	Yes
4	CAR-OTP-2065-3897	P-1647	Audio / Video Material	25/01/23	OTP	No
5	CAR-OTP-2065-4849	P-1647	Audio / Video Material	25/01/23	OTP	No
6	CAR-OTP-2094-7618	P-1647	Audio / Video Material	25/01/23	OTP	No
7	CAR-OTP-2095-5254	P-1647	Photograph/s	25/01/23	OTP	Yes
8	CAR-OTP-2095-5262	P-1647	Photograph/s	25/01/23	OTP	Yes
9	CAR-OTP-2095-5474	P-1647	Photograph/s	25/01/23	OTP	Yes
10	CAR-OTP-2095-5517	P-1647	Photograph/s	25/01/23	OTP	Yes
11	CAR-OTP-2095-5556	P-1647	Photograph/s	25/01/23	OTP	Yes
12	CAR-OTP-2095-5570	P-1647	Photograph/s	25/01/23	OTP	Yes
13	CAR-OTP-2101-3241	P-1647	List / table	25/01/23	OTP	No
14	CAR-OTP-2118-5507	P-1647	Transcript	25/01/23	OTP	No
15	CAR-OTP-2118-5654	P-1647	Translation - FRA	25/01/23	OTP	Yes
16	CAR-OTP-2118-5685	P-1647	Translation - FRA	25/01/23	OTP	No

- ii. Five items submitted under Rule 68(3) at the start of the witness's testimony:

Count	Doc ID	WIT-Used through	Document Type	EVD - Date	EVD – Participant Tendering	Request Submission
1.	CAR-OTP-2050-0654	P-1647	ICC Statement - General	21/12/22	OTP	Yes
2.	CAR-OTP-2102-0199	P-1647	ICC Statement – Translation - FRA	21/12/22	OTP	Yes

3.	CAR-OTP-2050-0997	P-1647	Photograph/s	21/12/22	OTP	Yes
4.	CAR-OTP-2050-0998	P-1647	Photograph/s	21/12/22	OTP	Yes
5.	CAR-OTP-00000826	P-1647	ICC Witness Preparation Log / Clarification	25/01/23	OTP	Yes

- iii. The Prosecution also seeks to submit the following items used during the course of the YEKATOM Defence's examination of the witness , 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-2065-0806	P-1647	Audio / Video Material	26/01/23	OTP	Yes
2	CAR-OTP-2065-1015	P-1647	Audio / Video Material	26/01/23 27/01/23	OTP	Yes
3	CAR-OTP-2065-3220	P-1647	Audio / Video Material	26/01/23	OTP	Yes
4	CAR-OTP-2065-3865	P-1647	Audio / Video Material	26/01/23	OTP	Yes
5	CAR-OTP-2065-3977	P-1647	Audio / Video Material	26/01/23	OTP	Yes
6	CAR-OTP-2065-4085	P-1647	Audio / Video Material	26/01/23	OTP	Yes
7	CAR-OTP-2065-4617	P-1647	Audio / Video Material	26/01/23	OTP	Yes
8	CAR-OTP-2094-7703	P-1647	List / table	26/01/23	OTP	Yes
9	CAR-OTP-2112-1378	P-1647	Audio / Video Material	27/01/23	OTP	Yes
10	CAR-OTP-2127-3668	P-1647	Translation - FRA	26/01/23	OTP	Yes
11	CAR-OTP-2127-3686	P-1647	Translation - FRA	26/01/23	OTP	Yes

Kind regards,
On behalf of OTP Trial Team