

ANNEX 16

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Version

From: Trial Chamber V Communications
Sent: 25 May 2023 15:14
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 the Yekatom Defence's Request to Add 4 Items to its List of Materials for P-2084

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the email below.

In light of the explanations provided, and noting the absence of objections from the other participants, the Single Judge grants the request.

Kind regards,

TC V

From: [REDACTED]
Sent: 24 May 2023 19:42
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]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; [REDACTED]
Subject: Yekatom Defence Request to add 4 items to its list of materials for P-2084 examination

Dear Trial Chamber V,

The Yekatom Defence respectfully requests leave to add 4 items to its list of materials to be used with P-2084.

The items are the following:

- CAR-D29-0013-0247 : Souche de l'acte de naissance de [REDACTED]
- CAR-D29-0010-0016 : Photographie de [REDACTED]
- CAR-D29-0010-0023 : CAR-OTP-2068-0558 at 0558 - Rapport [REDACTED]
- CAR-D29-0013-0248 : Page vierge - registre d'acte de naissances de PISSA

The Defence respectfully submits that there is good cause for the late addition of these items.

With regard to CAR-D29-0013-0247, the Defence submits that this document is relevant to show to the witness, in light of the Prosecution's line of questioning relative to [REDACTED]'s birth certificate (CAR-D29-0013-0097) and its suggestion that the latter was potentially fraudulent (T-223-FRA RT, 12:40:22 to 12:46:23). The Defence finds it therefore necessary to show the Witness the "souche" and to question him in this regard.

Concerning CAR-D29-0010-0016, the Defence contends that it is necessary to clarify the Prosecution's line of questioning relative to the birth certificate of [REDACTED] (see T-233-FRA ET, 12:22:55 to 12:31:15). Specifically,

the Presiding Judge raised the fact that the difference of dates on the two documents shown to the witness (CAR-D29-0013-0084 and CAR-OTP-2126-0413) as well as the similarity of handwriting on both (T-233-FRA, 12:32:20). Considering that this remark was not addressed by the Prosecution, the Defence contends that it is necessary to show P-2084 a picture of this individual whom he knows personally (according to today's testimony), in order to be perfectly clear about his age.

Regarding CAR-D29-0010-0023, the Defence finds it necessary to show the enhanced picture allowing the witness to clearly and precisely identify the individuals in the picture. Although the Defence was aware that the report CAR-OTP-2058-0558 is included in the Prosecution's list of material, it was under the impression that the Prosecution would question the witness with regard to the content of the report rather than the picture on the cover page. The Defence contends that adding this item will facilitate and greatly expedite proceedings, justifying this late addition.

With regards to CAR-D29-0013-0248, the witness specified that *"des fois, ces deux exemplaires, on donne l'acte, et le deuxième reste dans les archives. Parce qu'il y a deux feuillets, il y a un Feuilleton qu'on donne aux parents, et le deuxième reste dans les archives"* (T-233-FRA, 11:39:31). In light of this information which was not in the witness's statement, the Defence contends that it could not reasonably anticipate the necessity of disclosing this item. To have better clarity and to follow the evidence with concrete examples, the Defence is of the opinion that the Chamber, Parties and Participants will be assisted by using tangible evidence to illustrate the P-2084's evidence.

The Defence understands these four items are late addition, but the Defence submits that they will help the Parties and the Chamber to understand the explanation given by the witness during today's hearing.

The Defence also notes that the Prosecution's anticipated summary only briefly mentioned that P-2084 was expected to testify about "the administration of the town hall and the issuance of birth certificates" (see para. 10). In light of this and given the detailed answers and new information that P-2084 provided during today's hearing, the Defence could not have reasonably anticipated the relevance and necessity of the abovementioned documents.

Finally, the Defence submits there is no prejudice arising from this late addition as CAR-D29-0010-0023 and CAR-D29-0010-0016 have both been used by the Defence and have been recognized as formally submitted by the Chamber. As for the remaining two items, the Prosecution has sufficient time to review the material disclosed given the suspension of tomorrow's hearings. Further, the new documents are of very limited length and complexity, one being a "souche" from a birth certificate which has been recognized as formally submitted, and the other being a blank page taken from a birth certificate registry.

The Defence attaches a courtesy copy of the proposed updated list of material, in which the 4 items appear in yellow, as well as courtesy copies of CAR-D29-0013-0247 and CAR-D29-0013-0248 pending their disclosure.

Kind regards,



Legal Consultant – Yekatom Defence

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