

ANNEX 1

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Version

From: Trial Chamber V Communications
Sent: 26 October 2023 14:14
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 Submitted Materials for P-2084
Attachments: Yekatom Defence submission of evidence following the examination of P-2084; RE Yekatom Defence submission of evidence following the examination of P-2084 [3].msg

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-2084 by the Yekatom Defence and the Prosecution, as well as their respective objections thereto (*see below and attached*).

At the outset, the Chamber notes that items CAR-D29-0001-0436, CAR-D29-0013-0084, CAR-D29-0013-0138, CAR-D29-0013-0140, CAR-D29-0015-0010, CAR-OTP-2005-0129, CAR-OTP-2130-1307, CAR-OTP-2126-0413, CAR-OTP-2126-0416, CAR-D29-0013-0097, CAR-D29-0013-0081, CAR-OTP-2065-5324, CAR-OTP-2118-5698, CAR-D29-0013-0145, CAR-OTP-2118-0415 and CAR-OTP-2127-4410 have already been recognised as submitted. The Chamber therefore need not rule on these items again.

As to item CAR-OTP-2107-3128, the Chamber observes that it had 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 However, noting that P-1819 has 'definitively withdrawn [her] cooperation' and is not expected to be called by the Prosecution to testify (*see email from the Prosecution, 1 June 2023, at 17:27*), the Chamber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 this item as submitted through P-2084.

Similarly, the Chamber takes note of the Yekatom Defence's submissions concerning item CAR-D29-0013-0087, which was recognised as formally submitted through P-2475 (*see email from the Chamber, 9 November 2022, at 14:53*).

In light of the above, the Chamber recognises as formally submitted the following items:

Doc ID	Title	Type
CAR-OTP-00000320	Rapport de mission [REDACTED] [REDACTED]	Report
CAR-D29-0010-0144	100041028499247 page 78 (Photo ID 2350126451902387)	Photograph
CAR-D29-0016-0133	[REDACTED] Screenshot of Facebook	Communication - E-message
CAR-D29-0016-0134	[REDACTED] Screenshot of Facebook	Communication - E-message
CAR-D29-0010-0146	100065639651748 page 895 (Photo ID 180004960864158)	Photograph

CAR-D29-0010-0145	100077597661468 page 1750 (Photo ID 2921593051483332)	Photograph
CAR-D29-0010-0147	100065639651748 page 951 (Photo ID 179154287615892)	Photograph
CAR-D29-0010-0142	Photograph of [REDACTED]	Photograph
CAR-D29-0001-0526	Arrete interministériel N. 007	Legal, Administration and Court document – non ICC
CAR-OTP-2065-3748	AA009301.MXF	Audio / Video Material
CAR-OTP-2107-3128	Transcription de document audio / vidéo / AA014801.MXF	Transcript
CAR-D29-0002-0663	Commission Europeenne - Fiche-info - République Centrafricaine	Media / press article
CAR-D29-0002-0656	En RCA, la Fomac a besoin d'autres forces pour faire mieux	Media / press article
CAR-D29-0002-0668	Communiqué de presse - Lancement du processus de transition de la micopax à la mission internationale de soutien à la centrafricaine sous conduite africaine	Media / press article
CAR-OTP-2119-0905	Bulletin cle naissance	Certificate
CAR-D29-0013-0248	Page vierge - registre de naissances de [REDACTED]	Certificate
CAR-D29-0013-0247	Souche de l'acte de naissance de [REDACTED] [REDACTED]	Certificate
CAR-D29-0013-0133	Duplicata d'acte de naissance de [REDACTED]	Certificate
CAR-REG-0001-0019	Handwritten document - spelling	Court document - ICC

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
CAR-OTP-2094-0968	WITNESS STATEMENT	ICC Statement - General
CAR-OTP-2122-4905	Traduction d'élément de preuve / DÉCLARATION DE TÉMOIN / WITNESS STATEMENT	ICC Statement - Translation - FRA

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: 01 June 2023 17:42

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

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

Subject: RE: Prosecution Submission of evidence following the examination of P-2084

Dear Trial Chamber V,
Dear all,

The Yekatom Defence ("Defence") hereby takes note of the Prosecution Submission of evidence following the examination of P-2084 and opposes the formal submission of CAR-OTP-2118-0415 and its corresponding translation CAR-OTP-2127-4410 as well as CAR-OTP-2005-0129 and its corresponding translation CAR-OTP-2130-1307.

With regards to CAR-OTP-2118-0415, the Defence opposes the formal submission of the video in its entirety. The Defence recalls that the Chamber has previously rejected the Prosecution request for the submission of this video and its corresponding translation after an extract was shown by the Prosecution to P-0954 during his examination (see email from the Chamber, 22 May 2023, at 15:53). The Chamber noted that "the video consists of a documentary over one hour long, that the Prosecution showed only a fraction of the video to the witness, and that the extract cannot be separated from the rest" and was of the view that it would be more appropriate to seek its formal submission through a written application. Given that for the present request, only 1 minute and 5 seconds of the video were shown to P-2084 during his examination, the Defence submits that the Chamber's decision rejecting the submission of the video and corresponding translation is applicable, and that submission of this item should be rejected.

Further, there is no established relevance and/or probative value regarding the extract presented. The witness was asked no questions as to when the extract was filmed. The only question put to the witness with regards to the video was if he recognized himself (T-233-CONF-FRA, 12:55:35) to which he gave a general answer on the context of the conflict in the Central African Republic (T-233-CONF-FRA, 12:55:41).

With regards to CAR-OTP-2005-0129, the Defence opposes the formal submission of the video in its entirety. Indeed, the Defence only showed an extract to the witness lasting 34 seconds (from 34 minutes 56 seconds to 35 minutes 30 seconds), while the entire video lasts over 42 minutes. The Defence also recalls a recent decision by the Chamber, where it rejected the submission of an entire document when only one page was discussed with the witness (see email from the Chamber, 22 May 2023, at 20:40).

In light of these reasons, the Defence respectfully requests the Chamber to reject the Prosecution submission of these four items.

Kind regards,

[REDACTED]
Legal Consultant – Yekatom Defence

From: OTP CAR IIB [REDACTED]
Sent: Tuesday, May 30, 2023 8:02 PM
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]
[REDACTED] Associate Legal Officer-Court Officer [REDACTED]
[REDACTED]; OTP CAR IIB [REDACTED] >
Subject: Prosecution Submission of evidence following the examination of P-2084

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-2118-0415	P-2084	Audio / Video Material	24/05/23	OTP	Yes
2.	CAR-OTP-2127-4410	P-2084	Translation - FRA	24/05/23	OTP	Yes

ii. Two 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-2094-0968	P-2084	ICC Statement - General	24/05/23	OTP	Yes
2.	CAR-OTP-2122-4905	P-2084	ICC Statement - Translation - FRA	24/05/23	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-2065-5324	P-2084	Audio / Video Material	26/05/23	OTP	Yes
2.	CAR-OTP-2107-3128	P-2084	Transcript	26/05/23	OTP	Yes
3.	CAR-OTP-2005-0129	P-2084	Audio / Video Material	26/05/23	OTP	Yes
4.	CAR-OTP-2130-1307	P-2084	Translation - FRA	26/05/23	OTP	Yes
5.	CAR-REG-0001-0019	P-2084		29/05/23	OTP	Yes

iv. The Prosecution also seeks to submit the following birth certificates used by the Prosecution during the course of P-2084's examination and re-examination, for the limited purpose of assisting the Chamber understand the record regarding their legal deficiencies and P-2084's answers regarding the practice of their issuance (whether issued irregularly years after the birth was supposed to be declared, without it going through the formal procedure via a tribunal (T-235-CONF-ENG RT, 116:5-118:6, *see also* T-233-CONF-FRA ET, at 49:21-50:26; T-235-CONF-ENG RT, at 112:21-114:17) or by changing the birth date to help the children in various instances (T-233-CONF-FRA ET, at 59:10-63:28).

Count	Doc ID	WIT-Used through	Document Type	EVD - Date	EVD – Participant Tendering	Request Submission
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1.	CAR-OTP-2126-0413	P-2084	Certificate	26/05/23	OTP	Yes
2.	CAR-D29-0013-0084	P-2084	Certificate	26/05/23	OTP	Yes
3.	CAR-OTP-2126-0416	P-2084	Certificate	26/05/23	OTP	Yes
4.	CAR-D29-0013-0140	P-2084	Certificate	26/05/23	OTP	Yes
5.	CAR-D29-0013-0097	P-2084	Certificate	26/05/23	OTP	Yes
6.	CAR-D29-0013-0247	P-2084	Certificate	29/05/23	OTP	Yes
7.	CAR-D29-0013-0081	P-2084	Certificate	29/05/23	OTP	Yes

Kind regards,
On behalf of OTP Trial Team

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From: OTP CAR IIB
Sent: 31 May 2023 18:46
To: [REDACTED] Trial Chamber V Communications
Cc: OTP CAR IIB; D30 Ngaissona Defence Team; Associate Legal Officer-Court Officer; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; D29 Yekatom Defence Team
Subject: RE: Yekatom Defence submission of evidence following the examination of P-2084
Categories: Orange category

[ICC] RESTRICTED

Dear Trial Chamber V,
 Dear All,

The Prosecution takes note of the documents tendered by the YEKATOM Defence and does not oppose their formal submission. However, as acknowledged during Counsel's cross-examination of P-2084 with regard to the Prosecution's request for information concerning the provenance of the birth certificates (see T-235-CONF-ENG RT, at 61:22-62:9), the Prosecution reiterates its request (see T-225-CONF-ENG, at 79:25-80:18) in respect of the identifying documents below, or those otherwise provided by the Defence (birth certificates, birth bulletins, ID cards). Specifically, the Prosecution seeks further information as to the date and manner of their issuance and, where it is not apparent (including if it is redacted from the chain of custody metadata *e.g.* for CAR-D29-0013-0084, CAR-D29-0013-0133, CAR-D29-0015-0010), the person who provided the certificate. Notably, the Chamber also remarked that this information would also be of interest to the Bench (see T-225-CONF-ENG, at 80:18-80:20). Thank you.

Kind regards,
 On behalf of the OTP Trial Team

From: [REDACTED]
Sent: 30 May 2023 18:07
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-2084

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 ("Defence") requests the formal submission of the following items used during P-2084's testimony:

Count	Document ID	Title
1	CAR-D29-0001-0436	LOI No 97.013 Portant Code de la Famille
2	CAR-D29-0001-0526	Arrete interministériel N. 007
3	CAR-D29-0002-0656	En RCA, la Fomac a besoin d'autres forces pour faire mieux
4	CAR-D29-0002-0663	Commission Europeenne - Fiche-info - République Centrafricaine

5	CAR-D29-0002-0668	Communiqué de presse - Lancement du processus de transition de la micopax à la mission interna sous conduite africaine
6	CAR-D29-0010-0142	Photograph of [REDACTED]
7	CAR-D29-0010-0144	100041028499247 page 78 (Photo ID 2350126451902387)
8	CAR-D29-0010-0145	100077597661468 page 1750 (Photo ID 2921593051483332)
9	CAR-D29-0010-0146	100065639651748 page 895 (Photo ID 180004960864158)
10	CAR-D29-0010-0147	100065639651748 page 951 (Photo ID 179154287615892)
11	CAR-D29-0013-0084	Duplicata Acte de naissance de [REDACTED]
12	CAR-D29-0013-0133	Duplicata d'acte de naissance de [REDACTED]
13	CAR-D29-0013-0138	Acte de naissanc [REDACTED]
14	CAR-D29-0013-0140	Acte de naissance [REDACTED]
15	CAR-D29-0013-0145	Attestation de reconnaissance de [REDACTED] - Page 2410 de CAR-OTP-2135-2405-R02
16	CAR-D29-0013-0247	Souche de l'acte de naissance de [REDACTED]
17	CAR-D29-0013-0248	Page vierge - registre de naissances de [REDACTED]
18	CAR-D29-0015-0010	Carte Nationale d'Identite de [REDACTED]
19	CAR-D29-0016-0133	[REDACTED] - Screenshot of Facebook
20	CAR-D29-0016-0134	[REDACTED] - Screenshot of Facebook
21	CAR-OTP-00000320-R01	Rapport de mission à [REDACTED]
22	CAR-OTP-2065-3748	AA009301.MXF
23	CAR-OTP-2119-0905	Bulletin cle naissance

The Defence takes the opportunity to address one document, CAR-D29-0013-0087, which has been recognised as formally submitted via email Decision on Submitted Materials for P-2475 dated 09 November 2022. Considering P-2084's testimony (see T-235-FRA RT, from 15 :26 :16 to 15 :29 :37) and the doubt he had with regards to the blue stamp, the Defence would like the Chamber and the Parties to note that the submission of this particular document is made as a proof of its existence and the fact that it was given by the concerned individual to the Defence team, and not because it relies on the veracity of its content. The Defence finds it important to raise this distinction as the item is one provided by the Yekatom Defence.

Kind regards,

[REDACTED]

Legal Consultant – Yekatom Defence

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From: [REDACTED]
Sent: 30 May 2023 18:07
To: Trial Chamber V Communications
Cc: OTP CAR IIB; D30 Ngaissona Defence Team; Associate Legal Officer-Court Officer; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; D29 Yekatom Defence Team
Subject: Yekatom Defence submission of evidence following the examination of P-2084

Dear Trial Chamber V,

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11	CAR-D29-0013-0084	Duplicata Acte de naissance de [REDACTED]
12	CAR-D29-0013-0133	Duplicata d'acte de naissance de [REDACTED]
13	CAR-D29-0013-0138	Acte de naissance [REDACTED]
14	CAR-D29-0013-0140	Acte de naissance [REDACTED]
15	CAR-D29-0013-0145	Attestation de reconnaissance de [REDACTED] Page 2410 de CAR-OTP-2135-2405-R02
16	CAR-D29-0013-0247	Souche de l'acte de naissance de [REDACTED]
17	CAR-D29-0013-0248	Page vierge - registre de naissances de [REDACTED]
18	CAR-D29-0015-0010	Carte Nationale d'Identite de [REDACTED]
19	CAR-D29-0016-0133	[REDACTED] Screenshot of Facebook
20	CAR-D29-0016-0134	[REDACTED] Screenshot of Facebook
21	CAR-OTP-00000320-R01	[REDACTED]
22	CAR-OTP-2065-3748	AA009301.MXF
23	CAR-OTP-2119-0905	Bulletin cle naissance

The Defence takes the opportunity to address one document, CAR-D29-0013-0087, which has been recognised as formally submitted via email Decision on Submitted Materials for P-2475 dated 09 November 2022. Considering P-2084's testimony (see T-235-FRA RT, from 15 :26 :16 to 15 :29 :37) and the doubt he had with regards to the blue stamp, the Defence would like the Chamber and the Parties to note that the submission of this particular document is made as a proof of its existence and the fact that it was given by the concerned individual to the Defence team, and not because it relies on the veracity of its content. The Defence finds it important to raise this distinction as the item is one provided by the Yekatom Defence.

Kind regards,

[REDACTED]
 Legal Consultant – Yekatom Defence

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