

Annex 1

Public Redacted

From: Trial Chamber VI Communications [REDACTED]
Sent: 25 November 2022 14:03
To: OTP CAR IIA Communications [REDACTED] D33 Said Defence Team
 [REDACTED] Said LRV Team OPCV [REDACTED]
Cc: Trial Chamber VI Communications [REDACTED] FS Items
 Communication [REDACTED] Chamber Decisions Communication
 [REDACTED] Associate Legal Officer-Court Officer
 [REDACTED]
Subject: Decision on Submitted Material for P-2400

Dear Counsel, dear colleagues from the Registry,

On 11 October 2022 the Chamber granted the Prosecution's request (ICC-01/14-01/21-348-Conf) to introduce the prior recorded testimony and associated material of P-2400 (ICC-01/14-01/21-499-Conf).

On 2 November 2022 P-2400 appeared before the Chamber and confirmed under oath that he consented to the introduction of his prior recorded testimony (T-30-CONF-ENG ET, p. 31, line 20).

The Chamber takes note of the emails on the submission of evidence following the examination of P-2400 by the Prosecution (email of 4 November 2022 at 08:12) and the Defence (email of 4 November 2022 at 09:28).

Neither party objected to each other's list.

First, the Chamber notes that the following items on the Prosecution's list have already been recognised as formally submitted:

- CAR-OTP-2033-7154
- CAR-OTP-2033-7555
- CAR-OTP-2033-6871
- CAR-OTP-2069-3226
- CAR-OTP-2069-3227

The Chamber will therefore not rule on them again.

The Chamber notes that in its request pursuant to rule 68(3) of the Rules the Prosecution had initially asked the Chamber to authorise the introduction of both the originals as well as the enhanced versions of three annexes (photographs) to P-2400's statement (ICC-01/14-01/21-348-Conf-Anx A – A3). However, in its email request following P-2400's testimony, the Prosecution only asks for the enhanced versions to be recognised as formally submitted. Accordingly, the Chamber only recognises the enhanced version as formally submitted:

- CAR-OTP-2105-1038 (enhanced version of CAR-OTP-2104-0440)
- CAR-OTP-2105-1039 (enhanced version of CAR-OTP-2104-0442)
- CAR-OTP-2105-1040 (enhanced version of CAR-OTP-2104-0441)

The Chamber further notes that in its request pursuant to rule 68(3) of the Rules, the Prosecution had initially asked the Chamber to authorise the introduction of both the original English version of P-2400's prior recorded testimony (CAR-OTP-2104-0424) as well as the French translation thereof (CAR-OTP-2130-4712). However, in its email request following P-2400's testimony, the Prosecution

only asks for the original English version to be formally submitted. The Chamber will nevertheless also recognise the formal submission of the French translation and has added it to the Prosecution's list.

The Chamber also points out that there is a R05 version of P-2400's statement in English, whereas there is only a R04 version of the French translation. The English R05 version contains the names of P-2400's parents, whereas the French R04 version still has this information redacted. The Prosecution is instructed to upload the corresponding French version as soon as possible and the Chamber also recognises this version as formally submitted.

In light of the above and given the fact that there are no procedural bars, the Chamber recognises as formally submitted the following items:

Items Submitted by the Prosecution

ERN	Description
CAR-OTP-2104-0424-R01	Witness Statement of P-2400 signed on 19 March 2019
CAR-OTP-2104-0424-R02	
CAR-OTP-2104-0424-R03	
CAR-OTP-2104-0424-R04	
CAR-OTP-2104-0424-R05	
CAR-REG-0002-0058	Annotated version of CAR-OTP-2104-0424-R02
CAR-OTP-2130-4712-R01	ICC Statement - Translation - FRA
CAR-OTP-2130-4712-R02	
CAR-OTP-2130-4712-R03	
CAR-OTP-2130-4712-R04	
CAR-OTP-2105-1038	Enhanced version of Annex 1 to P-2400's statement (CAR-OTP-2104-0440)
CAR-OTP-2105-1038-R01	
CAR-REG-0002-0068	Annotated version of CAR-OTP-2105-1038
CAR-OTP-2105-1040	Enhanced version of Annex 2 to P-2400's statement (CAR-OTP-2104-441)
CAR-OTP-2105-1040-R01	
CAR-REG-0002-0069	Annotated version of CAR-OTP-2105-1040
CAR-OTP-2105-1039	Enhanced version of Annex 3 to P-2400's statement (CAR-OTP-2104-0442)
CAR-REG-0002-0070	Annotated version of CAR-OTP-2105-1039
CAR-OTP-2033-6838	IMG_4488_stitch.jpg
CAR-OTP-2033-7061	IMG_4690.JPG - Photo of the underground cell seen from above.
CAR-REG-0002-0071	Annotated version of CAR-OTP-2033-6871
CAR-REG-0002-0072	Annotated version of CAR-OTP-2069-3226
CAR-REG-0002-0073	Annotated version of CAR-OTP-2069-3227

Items Submitted by the Defence

ERN	Description
CAR-OTP-2135-3882-R01	Formulaire de demande à titre individuel
CAR-REG-0002-0074	Annotated version of CAR-OTP-2135-3882 at 3887

From: [REDACTED]
Sent: 04 November 2022 08:12
To: Trial Chamber VI Communications
Cc: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV; Associate Legal Officer-Court Officer
Subject: 221104 - Request for formal submission of evidence used in the Prosecution's examination of P-2400

Dear Trial Chamber VI,
 Dear all,

In line with the procedure outlined in paragraph 22 of the Directions on the Conduct of Proceedings (ICC-01/14-01/21-251), the Prosecution requests the formal submission of evidence used in its examination of Witness P-2400 listed in this email.

Tab	ERN (E-Court)	Registration number of the version marked by the witness	Description	Confidentiality
1.	CAR-OTP-2104-0424-R02	CAR-REG-0002-0058 to CAR-REG-0002-0067	Witness Statement of P-2400 signed on 19 March 2019	Confidential
2.	CAR-OTP-2105-1038	CAR-REG-0002-0068	Enhanced version of Annex 1 to P-2400's statement	Confidential
3.	CAR-OTP-2105-1040	CAR-REG-0002-0069	Enhanced version of Annex 2 to P-2400's statement	Confidential
4.	CAR-OTP-2105-1039	CAR-REG-0002-0070	Enhanced version of Annex 3 to P-2400's statement	Confidential
5.	CAR-OTP-2033-6838		IMG_4488_stitch.jpg	Confidential
6.	CAR-OTP-2033-7154		IMG_4771_stitch.jpg Photo - View of the entrance of the OCRB main building	Confidential
7.	CAR-OTP-2033-7555		IMG_5155.JPG Photo - View of the underground cell entrance with a plank on top	Confidential
8.	CAR-OTP-2033-7061		IMG_4690.JPG Photo of the underground cell seen from above.	Confidential
9.	CAR-OTP-2033-6871	CAR-REG-0002-0071	IMG_4520.JPG Photo of the cells (G1 to G4)	Confidential
10.	CAR-OTP-2069-3226	CAR-REG-0002-0072	Photograph [REDACTED]	Confidential
11.	CAR-OTP-2069-3227	CAR-REG-0002-0073	Photograph [REDACTED]	Confidential

Best regards,

[REDACTED]

From: [REDACTED]
Sent: 04 November 2022 09:28
To: Trial Chamber VI Communications
Cc: OTP CAR IIA Communications; Said LRV Team OPCV; D33 Said Defence Team; Associate Legal Officer-Court Officer
Subject: Mise en oeuvre du paragraphe 22 de la décision ICC-01/14-01/21-251/ P-2400
Attachments: Soumission formelle des éléments de preuve - P-2400.docx

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Chère Chambre de première instance VI,

En application du paragraphe 22 de la décision ICC-01/14-01/21-251 sur la conduite des débats, la Défense de Monsieur Said demande respectueusement à ce que soient formellement versés au dossier de l'affaire les éléments soumis par le truchement du témoin P-2400 en audience tels qu'indiqués dans la liste en pièce jointe.

Bien à vous,

[REDACTED]

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Affaire ICC-01/14-01/21
Le Procureur c. Monsieur Said Abdel Kani

Liste des éléments soumis par le truchement du témoin P-2400 dans le cadre de son témoignage en audience et pour lesquels la Défense demande la soumission formelle au dossier de l'affaire en application du paragraphe 22 de la décision ICC-01/14-01/21-251.

N°	Doc ID	Titre	Demande la soumission de :
1	CAR-OTP-2135-3882-R01	Formulaire de demande à titre individuel	Pages 3888, 3887, 3892, 3893
2	CAR-OTP-2069-3227	P8301180.JPG	Tout le document
3	CAR-REG-0002-0074		Tout le document