

Annex 1

Public Redacted

From: Trial Chamber VI Communications
Sent: 12 January 2023 15:11
To: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV; FS Items Communication; [REDACTED]
Cc: Trial Chamber VI Communications
Subject: Decision on Submitted Materials for P-1429
Attachments: RE: 221117 - Request for formal submission of evidence used in the Prosecution's examination of P-1429; Mise en oeuvre du paragraphe 22 de la décision ICC-01/14-01/21-251/ P-1429

Dear Parties and participants,
 Dear Registry,

On 17 November 2022, the Prosecution requested that the Chamber recognise 14 items as formally submitted (Email from the Prosecution to the Chamber, at 13:20).

On 17 November 2022, the Defence requested that the Chamber recognise 8 items as formally submitted (Email from the Defence, at 15:07).

Neither party submitted a response to the request of the other.

Items Requested by the Prosecution

At the outset, the Chamber recalls that on 28 October 2022 it granted the Prosecution's request to introduce the prior recorded testimony and associated material of P-1429 (ICC-01/14-01/21-519). In addition to the P-1429's prior recorded testimony, the Chamber granted the introduction of two items of associated material (CAR-OTP-2043-0331 and CAR-OTP-2043-0332) which also form part of the Prosecution's current request. These items have already been formally submitted and are therefore not included in this decision's list (see below) of formally submitted evidence.

Furthermore, in an oral decision, the Chamber also granted the introduction of the annex to P-1429's witness preparation log under rule 68(3) of the Rules (ICC-01/14-01/21-T-040-CONF-ENG ET, p. 2, line 12 – p. 4, line 8). The Chamber notes, as it has just previously, that the annex to a witness's preparation log is deemed recognised as formally submitted *during* the fulfilment of the rule 68(3) requirements in court – see Email decision of the Chamber dated 1 December 2022 at 10:11. This also includes any items mentioned in the annex. However, the Chamber notes that such items are not separately listed and are contained within the body of annex itself, and observes that six items (CAR-OTP-2033-6838; CAR-OTP-2033-7154; CAR-OTP-2033-6871; CAR-OTP-2033-7064; CAR-OTP-2069-3227; CAR-OTP-2069-3226) mentioned in the annex had already been formally submitted through other witnesses/means. Nonetheless, as the Chamber stated previously, in order to facilitate the updating of the metadata of formally submitted items on Nuix by the Court Officer, the Chamber orders the Prosecution to continue to note these items in its email requests for the formal submission of evidence following the conclusion of the testimony of the witness. These items are included in the list of Prosecution items which follows the body of this decision.

The items subject to the abovementioned requests have already been recognised as formally submitted with the end of the testimony of P-1429. The Chamber observes that the Defence does not oppose any of the items requested by the Prosecution to be submitted. Accordingly, the Chamber recognises all items in the Prosecution's email dated 17 November 2022 at 13:20 as formally submitted with the exception of the abovementioned items submitted through rule 68(3) of the Rules and the annex to P-1429's witness preparation log that the Chamber previously deemed as formally submitted through other witnesses/means.

Items Requested by the Defence

The Defence requested 8 items for formal submission. The Chamber notes that all items on the Defence's List have been discussed with P-1429 during the Defence's examination of the witness and observes that one item (CAR-OTP-2004-1305) had previously been formally submitted through other witnesses/means. Accordingly, the Chamber recognises all items (other than CAR-OTP-2004-1305) on the Defence's List as formally submitted.

Conclusion

The Chamber recognises the following items as formally submitted (*see tables below*).

Kind Regards,
Trial Chamber VI

Items submitted by the Prosecution

ERN
CAR-OTP-2135-3837-R01
CAR-OTP-2135-3837-R02
CAR-OTP-2033-6838
CAR-OTP-2033-7154
CAR-OTP-2033-6871
CAR-OTP-2033-7064
CAR-OTP-2094-2006
CAR-OTP-2069-3227
CAR-OTP-2069-3226

Items submitted by the Defence

ERN
CAR-OTP-2043-0333-R01
CAR-OTP-2043-0333
CAR-OTP-2135-3837-R01
CAR-OTP-2135-3837-R02
CAR-OTP-00000603
CAR-OTP-00000199
CAR-REG-0002-0101

From: [REDACTED]
Sent: 17 November 2022 13:20
To: Trial Chamber VI Communications
Cc: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV;
 Associate Legal Officer-Court Officer
Subject: RE: 221117 - Request for formal submission of evidence used in the Prosecution's examination of P-1429

Dear Trial Chamber VI,
 Dear all,

The Prosecution has included the ERNs of all versions of the items that it is requesting.

Kind regards,

From: [REDACTED]
Sent: 17 November 2022 12:11
To: Trial Chamber VI Communications [REDACTED]
Cc: OTP CAR IIA Communications [REDACTED] D33 Said Defence Team
 [REDACTED] Said LRV Team OPCV [REDACTED] Associate Legal
 Officer-Court Officer [REDACTED]
Subject: 221117 - Request for formal submission of evidence used in the Prosecution's examination of P-1429

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 the evidence used in its examination of Witness P-1429, as well as the items that the Trial Chamber has allowed to be introduced into evidence pursuant to rule 68(3) of the Rules of Procedure and Evidence in the respective decisions (ICC-01/14-01/21-519-Conf, para. 23 and ICC-01/14-01/21-T-040-CONF-ENG ET, p. 2, l. 12 - p. 4, l. 15) having met the procedural prerequisites of rule 68(3).

Tab	ERN (E-Court)	Description	Confidentiality
1.	CAR-OTP-2043-0317-R01 CAR-OTP-2043-0317-R02	Witness Statement of P-1429 signed on 28 November 2016	Confidential
2.	CAR-OTP-2049-0166-R01 CAR-OTP-2049-0166-R02 CAR-OTP-2049-0166-R03	English translation of P-1429's Witness Statement	Confidential
3.	CAR-OTP-2043-0331	Annex A to Witness Statement of P- 1429: [REDACTED] [REDACTED] [REDACTED]	Confidential
4.	CAR-OTP-2043-0332	Annex B to Witness Statement of P- 1429: [REDACTED] [REDACTED]	Confidential
5.	CAR-OTP-00000591-R01	Annexe A – au egistre de préparation du témoin P-1429	Confidential

6.	CAR-OTP-00000590-R01	Annex A – to the witness preparation log of P-1429	Confidential
7.	CAR-OTP-2135-3837-R01 (Pages 3849 and 3850) CAR-OTP-2135-3837-R02	Ordonance de Non Lieu	Confidential
8.	CAR-OTP-2033-6838	IMG_4488_stitch.jpg	Confidential
9.	CAR-OTP-2033-7154	IMG_4771_stitch.jpg Photo - View of the entrance of the OCRB main building	Confidential
10.	CAR-OTP-2033-6871	IMG_4520.JPG Photo of the cells (G1 to G4)	Confidential
11.	CAR-OTP-2033-7064	IMG_4693.JPG Photos of the cells (G7 and G5 cells)	Confidential
12.	CAR-OTP-2094-2006	Photograph – Annex D to P-1167 Witness Statement	Confidential
13.	CAR-OTP-2069-3227	Photograph [REDACTED]	Confidential
14.	CAR-OTP-2069-3226	Photograph [REDACTED]	Confidential

Best regards,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 17 November 2022 15:07
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-1429
Attachments: Liste des éléments pour soumission formelle P-1429.docx

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-1429 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-1429 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°	Id du Document	Titre	Demande la soumission de
1	CAR-OTP-2004-1305	DECRET	Pages 1305 et 1360
2	CAR-OTP-2043-0333-R01	AUTORISATION DE COMMUNIQUER DES RENSEIGNEMENTS	Tout le document
3	CAR-OTP-2043-0333	AUTORISATION DE COMMUNIQUER DES RENSEIGNEMENTS	Tout le document
4	CAR-OTP-2135-3837-R01	Formulaire de demande à titre individuel	Tout le document
5	CAR-OTP-2135-3837-R02	Formulaire de demande à titre individuel	Tout le document

6	CAR-OTP-00000603	P-1429 Attribution and CST Annex - Unredacted.xlsx	Tout le document
7	CAR-OTP-00000199	P-1429 Attributions and CST Annex.xlsx	Tout le document
8	CAR-REG-0002-0101	Annotation de CAR-OTP-2043-0317-R02	Tout le document