

Annex 1

Public Redacted

From: Trial Chamber VI Communications
Sent: 13 January 2023 10:31
To: FS Items Communication; [REDACTED]
Cc: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV; Trial Chamber VI Communications
Subject: Decision on Submitted Materials for P-2607
Attachments: 221213 - Request for formal submission of evidence used in the Prosecution's examination of P-2607; Mise en oeuvre du paragraphe 22 de la décision ICC-01/14-01/21-251/ P-2607

Dear Registry,
 Dear Parties and participants,

On 13 December 2022, the Defence requested the formal submission of 10 items (Email from the Defence at 11:57).

On 13 December 2022, the Prosecution requested the formal submission of 9 items (Email from the Prosecution at 17:22).

Neither party filed any objections to the opposing party's requested items.

Items Requested by the Prosecution

At the outset the Chamber notes that on 28 October 2022 it granted the Prosecution's request to introduce the prior recorded testimony and associated material of P-2607 (ICC-01/14-01/21-519).

Furthermore, in an oral decision, the Chamber also granted the introduction of the annex to P-2607's witness preparation log under rule 68(3) of the Rules (ICC-01/14-01/21-T-042-CONF-ENG ET, p. 2, line 14 – p. 5, line 12).

The Chamber notes that the 9 items the Prosecution seeks formal submission of are contained in the annex to P-2607's witness preparation log. As noted in its email guidance dated 1 December 2022 at 10:11 and 12 January 2023 at 15:05, these items were deemed to be requested as formally submitted following the fulfilment of the rule 68(3) requirements in court. For the Court Officer's ease of reference, these items are still noted in the respective tables below. However, the Chamber notes that two of the Prosecution's requested items (CAR-OTP-2033-7337 and CAR-OTP-2069-3226) have been recognised as formally submitted through another witness, and thus are not included in the list again.

Items Requested by the Defence

The Defence requests 10 items for formal submission. The Chamber notes that all items on the Defence's List have been discussed with P-2607 during the Defence's examination of the witness. Accordingly, the Chamber recognises all items on the Defence's List as formally submitted.

Conclusion

In short, the Chamber recognises the following items as formally submitted (*see tables below*).

Items Submitted by the Prosecution

CAR-OTP-2044-0573
CAR-OTP-2033-6802
CAR-OTP-2067-0120
CAR-OTP-2069-0332

CAR-OTP-2082-0463
CAR-OTP-2082-0465
CAR-OTP-2082-0471

Items Submitted by the Defence

CAR-OTP-00000713-R01
CAR-OTP-00000744
CAR-OTP-2116-0857-R01
CAR-OTP-2116-0857-R02
CAR-OTP-2116-0992
CAR-OTP-2116-0992-R01
CAR-OTP-2116-0993
CAR-OTP-2116-0994
CAR-OTP-2116-0995
CAR-OTP-2116-0998

From: [REDACTED]
Sent: 13 December 2022 17:22
To: Trial Chamber VI Communications
Cc: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV; Associate Legal Officer-Court Officer
Subject: 221213 - Request for formal submission of evidence used in the Prosecution's examination of P-2607

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) and with the Chamber's guidance provided by email on 1 December 2022 on the email submission procedure, the Prosecution submits that the evidence used in its examination of Witness P-2607 included in 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. 44 and ICC-01/14-01/21-T-042-CONF-ENG RT 12-12-2022, p. 2, l. 22 - p. 6, l. 5) have already been recognized as formally submitted having met the procedural prerequisites of rule 68(3) with the end of the testimony of P-2607 (ICC-01/14-01/21-T-042-CONF-ENG RT 12-12-2022, p. 24, lines 15-16). This concerns items #1-7 and #17 of the Prosecution's updated list of material for P-2607.

According to the Chamber's decision on submitted material for P-2478 dated 5 December 2022, the items mentioned in the annex to P-2478's preparation log had been recognized as formally submitted as these items had been discussed during the fulfilment of the Rule 68(3) requirements. Yet to err on the side of caution, the Prosecution requests the formal submission of the evidence shown and commented upon during the witness preparation session of P-2607. These items, which are listed below, are mentioned in item #17, which is the annex to P-2607's preparation log. This concerns items #8-16 of the Prosecution's updated list of material for P-2607. To be absolutely sure that it is formally submitting all items it wishes to be entered into evidence, the Prosecution respectfully seeks the Chamber's further guidance on whether it can simply refer to the submission of the Annex to the preparation log or whether it needs to request formal submission also of the items mentioned in the Annex in future.

Tab	ERN (E-Court)	Description	Confidentiality
	CAR-OTP-2044-0573	[REDACTED]	Confidential
	CAR-OTP-2033-6802	Photo of OCRB main gate	Confidential
	CAR-OTP-2033-7337	Photo of OCRB gate (MOOV company side)	Confidential
	CAR-OTP-2069-3226	OCRB handover ceremony	Confidential
	CAR-OTP-2067-0120	[REDACTED]	Confidential
	CAR-OTP-2069-0332	[REDACTED]	Confidential
	CAR-OTP-2082-0463	[REDACTED]	Confidential
	CAR-OTP-2082-0465	[REDACTED]	Confidential

	CAR-OTP-2082-0471		Confidential

Best regards,
[Redacted]

[REDACTED]

From: [REDACTED]
Sent: 13 December 2022 11:57
To: Trial Chamber VI Communications
Cc: OTP CAR IIA Communications; Said LRV Team OPCV; Associate Legal Officer-Court Officer
Subject: Mise en oeuvre du paragraphe 22 de la décision ICC-01/14-01/21-251/ P-2607
Attachments: D33 - Tableau éléments soumission formelle P-2607.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-2607 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-2607 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-00000713-R01	INVESTIGATION REPORT / INFORMATION REVIEW-CAR-OTP-P-2607	Tout le document
2	CAR-OTP-00000744	[REDACTED]	Tout le document
3	CAR-OTP-2116-0857-R01	SCREENING NOTE	Tout le document
4	CAR-OTP-2116-0857-R02	SCREENING NOTE	Tout le document
5	CAR-OTP-2116-0992	ACTE DE DECES [REDACTED]	Tout le document
6	CAR-OTP-2116-0992-R01	ACTE DE DECES [REDACTED]	Tout le document
7	CAR-OTP-2116-0993	[REDACTED] [REDACTED] [REDACTED]	Tout le document
8	CAR-OTP-2116-0994	DECLARATION DE DECES / [REDACTED]	Tout le document
9	CAR-OTP-2116-0995	ETAT SIGNALETIQUE ET DES SERVICES	Tout le document
10	CAR-OTP-2116-0998	[REDACTED] [REDACTED] [REDACTED]	Tout le document