

Annex 1

Public Redacted

From: Trial Chamber VI Communications
Sent: 13 January 2023 10:34
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-2692
Attachments: 221214 - Request for formal submission of evidence used in the Prosecution's examination of P-2692; Mise en oeuvre du paragraphe 22 de la décision ICC-01/14-01/21-251/ P-2692

Dear Registry,
 Dear Parties and participants,

On 14 December 2022, the Defence requested the formal submission of 3 items (Email from the Defence at 10:10).

On 14 December 2022, the Prosecution requested the formal submission of 2 items (Email from the Prosecution at 18:39).

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 the 28 October 2022 it granted the Prosecution's request to introduce the prior recorded testimony and associated material of P-2692 (ICC-01/14-01/21-519).

Furthermore, in an oral decision, the Chamber also granted the introduction of the annex to P-2692's witness preparation log under rule 68(3) of the Rules (ICC-01/14-01/21-T-043-CONF-ENG ET, p. 4, line 10 – p. 5, line 23).

The Chamber notes that the 2 items the Prosecution seeks formal submission or are contained in the annex to P-2692'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, in respect of CAR-OTP-2033-6838, the Chamber notes that this item has been recognised as formally submitted through another witness, and is thus not included in the list again.

Items Requested by the Defence

The Defence request 3 items for formal submission. The Chamber notes that all items on the Defence's List have been discussed with P-2692 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-2135-3812-R01

CAR-OTP-2135-3812-R02

Items Submitted by the Defence

CAR-OTP-00000778-R01
CAR-OTP-2116-0384-R01
CAR-OTP-2135-3812-R01
CAR-OTP-2135-3812-R02

From: [REDACTED]
Sent: 14 December 2022 18:39
To: Trial Chamber VI Communications
Cc: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV; Associate Legal Officer-Court Officer
Subject: 221214 - Request for formal submission of evidence used in the Prosecution's examination of P-2692

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 items 1 to 4, 15 and 16 on its List of Material for the examination of Witness P-2692, which the Trial Chamber allowed to be introduced pursuant to rule 68(3) in Decisions ICC-01/14-01/21-519-Conf and ICC-01/14-01/21-T-043-CONF-ENG RT 12-12-2022, p. 4, l.20-p.6, l.9 are formally submitted having met the procedural requirements of rule 68(3) at the completion of the Prosecution's examination of P-2692 (ICC-01/14-01/21-T-043-CONF-ENG RT 12-12-2022, p. 17, l.12-17).

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 items 5 and 13 on the Prosecution's List of Material for the examination of Witness P-2692, which were shown and commented upon during the witness preparation session of P-2692, and are mentioned in items 15 &16 – the annexes to P-2692's preparation log.

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 Annexes to the preparation log or whether it needs to request formal submission also of the items mentioned in the Annexes in future.

Item on OTP LoM	ERN	Description	Confidentiality
5	CAR-OTP-2033-6838	IMG_4488_stitch.jpg	Confidential
13	Pages 3284 and 3825 of CAR-OTP-2135-3812-R01	Victim's application of P-2692, [REDACTED]. PHOTOS of scars	Confidential

Best regards,

[REDACTED]

From: [REDACTED]
Sent: 14 December 2022 10:10
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-2692
Attachments: Liste des éléments pour soumission formelle P-2692.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-2692 en audience tels qu'indiqués dans la liste en pièce jointe.

Bien à vous,

[REDACTED]

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.

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

Liste des éléments soumis par le truchement du témoin P-2692 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-00000778-R01	CAR II A - Investigation Report - Additional Information Regarding CAR-OTP-P-2692	Tout le document
2	CAR-OTP-2116-0384-R01	Rapport définitif d'enquêtes Sur les violations des droits humains à Bangui Relatif à la collecte des informations sur les violations des droits humains commis par les ex-combattants de la Séléka	Tout le document
3	CAR-OTP-2135-3812-R02	Formulaire de demande à titre individuel	Tout le document