

# Annex 1

## Public Redacted

**From:** Trial Chamber VI Communications [REDACTED]  
**Sent:** 08 February 2023 14:19  
**To:** OTP CAR IIA Communications [REDACTED] D33 Said Defence Team  
 [REDACTED] Said LRV Team OPCV [REDACTED]  
**Cc:** Associate Legal Officer-Court Officer [REDACTED] FS Items  
 Communication [REDACTED] Trial Chamber VI Communications  
 [REDACTED]  
**Subject:** Decisions on Submitted Materials for P-1737 and P-2931

Dear Parties and Participants,  
 Dear Registry,

Please find below the Chamber's rulings in relation to the requests for formal submission of items used with P-1737 and P-2931.

### **P-1737**

On 18 January 2023, the Defence requested that the Chamber recognise 3 items as formally submitted (email from the Defence, at 09:43).

On 18 January 2023, the Prosecution requested that the Chamber recognise 22 items as formally submitted (email from the Prosecution, at 12:15).

On 19 January 2023, the Defence objected to the formal submission of P-1737's statement (CAR-OTP-2055-0137) (email from the Defence, at 15:04).

On 19 January 2023, the Prosecution submitted a corrected list of items it wants to submit, retracting P-1737's statement from the list (email from the Prosecution, at 15:51).

### **Items Requested by the Prosecution**

The Chamber notes that 12 of the items on the Prosecution's list have already been recognised as formally submitted.

The Chamber also notes that 2 of the listed items have the wrong ERN number (CAR-REG-0003-0104 and CAR REG-0003-0105, which ought to be CAR-REG-0002-0104 and CAR-REG-0002-0105).

Finally, the Chamber notes that all the items were discussed during P-1737's testimony and that there are no objections to their formal submission.

### **Items Requested by the Defence**

The Chamber notes that all three items were discussed during P-1737's testimony and that there are no objections to their formal submission.

Both the Prosecution and the Defence wish to formally submit CAR-OTP-2055-0195

### **Conclusion**

The Chamber recognises the following items as formally submitted:

**Items submitted by the Prosecution**

CAR-OTP-2055-0157  
 CAR-OTP-2055-0195  
 CAR-OTP-2047-0333  
 CAR-OTP-2033-7229  
 CAR-OTP-2033-7703  
 CAR-REG-0002-0102  
 CAR-REG-0002-0103  
 CAR-REG-0002-0104  
 CAR-REG-0002-0105

**Items submitted by the Defence**

CAR-OTP-2055-0166  
 CAR-OTP-2055-0195  
 CAR-OTP-2101-1781

**P-2931**

On 19 January 2023, the Defence requested that the Chamber recognise 3 items as formally submitted (email from the Defence, at 12:04).

On 19 January 2023, the Prosecution requested that the Chamber recognise 21 items as formally submitted (email from the Prosecution, at 15:12).

**Items Requested by the Prosecution**

The Chamber notes that on 12 December 2022, it granted the Prosecution's request to introduce the prior recorded testimony and associated material of P-2931 pursuant to rule 68(3) of the Rules (ICC-01/14-01/21-571-Conf), with the exception of one item (CAR-OTP-2128-0750). The Chamber observes, however, that P-2931 commented on this document during the witness preparation session (*see* CAR-OTP-00000802-000002) and that both the Prosecution and the Defence have included it in their current requests. The Chamber also notes that the second page of this document has a separate ERN number (i.e. CAR-OTP-2128-0753). Given that the Chamber, in principle, recognises the formal submission of documents in their entirety (*see* email from the Chamber of 31 October 2022 at 14:49), both these items will be recognised, even if the second page is not explicitly mentioned in the witness preparation log.

The Chamber further notes that 16 items on the Prosecution's list are contained in the annex to P-2931's witness preparation log. The Chamber will thus not rule on these items again. For the remaining items, the Chamber observes that they have been discussed by or otherwise used with P-2931 (albeit possibly in a version in a different language). The Defence does not object to any of the remaining items requested by the Prosecution.

The Chamber further observes that two of the items on the Prosecution's list (CAR-OTP-2135-4093 and CAR-OTP-2135-4106) are translations of P-2931's prior recorded testimony. The Chamber considers that when an item has been recognised as formally submitted, this recognition extends to all versions thereof, including translations. There is thus no need for the parties to make a separate request for the formal submission of translations. Ideally, translations should be included in the first request for the formal recognition of the original item (i.e. the Host Document in e-Court). Even if a translation was used with the witness, parties are instructed to use the original version of the item to request formal submission. When an item was already formally recognised as submitted before a translation was available, the submitting party must inform the Court Officer (cc the Chamber and parties and participants) when the translation of the item is ready and uploaded in e-Court. The Court Officer must then mark such translation as formally submitted as well. To assist the Court Officer, the submitting party should indicate in which decision the Chamber recognised the formal submission of the original (Host Document).

Accordingly, the Chamber recognises items 19-21 on the Prosecution's list as formally submitted. For convenience, the Chamber has also included the two aforementioned translations in the list below.

### **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 either been discussed with P-2931 during the witness preparation session or during the Defence's examination of the witness. There are no objections from the Prosecution. Accordingly, the Chamber recognises all items on the Defence's List as formally submitted. In light of what was stated above, the second page of item 1 has been added for the sake of completeness.

### **Conclusion**

The Chamber recognises the following items as formally submitted:

#### **Items submitted by the Prosecution**

CAR-OTP-2135-4093-R01  
 CAR-OTP-2135-4093-R02  
 CAR-OTP-2135-4106-R01  
 CAR-OTP-2135-4106-R02  
 CAR-OTP-00000803  
 CAR-OTP-00000804  
 CAR-OTP-00000805

#### **Items submitted by the Defence**

CAR-OTP-2128-0750-R01  
 CAR-OTP-2128-0750-R02  
 CAR-OTP-2128-0753  
 CAR-OTP-2130-6865-R01  
 CAR-OTP-2130-6865-R02  
 CAR-OTP-2130-6865-R03  
 CAR-OTP-2135-3765-R01  
 CAR-OTP-2135-3765-R02

**From:** [REDACTED]  
**Sent:** 19 January 2023 15:51  
**To:** [REDACTED] Trial Chamber VI Communications  
**Cc:** OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV; Associate Legal Officer-Court Officer; jsangone [REDACTED] [REDACTED]  
**Subject:** RE: 230118 - Request for formal submission of evidence used in the Prosecution's examination of P-1737

Dear Trial Chamber VI,  
Dear all,

The Prosecution hereby submits a corrected list without items CAR-OTP-2055-0137-R01, CAR-OTP-2055-0137-R02 et CAR-OTP-2055-0137-R03 which were included by mistake.

| Tab | ERN<br>(E-Court)  | Registration number<br>of the version marked<br>by the witness | Description                                                                                                               | Confidentiality |
|-----|-------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1.  | CAR-OTP-2055-0157 | CAR-REG-0002-0102                                              | Annex 1 to P-1737's statement.<br>Sketch: P-1737's drawing of<br>the OCRB premises                                        | Confidential    |
| 2.  | CAR-OTP-2055-0195 |                                                                | Annex 2 to P-1737's statement.<br>Digital photo of P-1737's<br>Seleka membership photo<br>identification card: front side | Confidential    |
| 3.  | CAR-OTP-2047-0333 |                                                                | 11.jpg. Photograph depicting<br>Seleka elements and a white<br>pick-up truck with the words<br>COLONEL MAMA SALLE.        | Confidential    |
| 4.  | CAR-OTP-2033-7326 |                                                                | Photo of OCRB – outside                                                                                                   | Confidential    |
| 5.  | CAR-OTP-2033-7718 |                                                                | Photo of OCRB – outside<br>facing gate                                                                                    | Confidential    |
| 6.  | CAR-OTP-2033-6811 |                                                                | Photo of OCRB – inside<br>compound                                                                                        | Confidential    |
| 7.  | CAR-OTP-2033-7154 |                                                                | Photo of OCRB – building                                                                                                  | Confidential    |
| 8.  | CAR-OTP-2033-7729 |                                                                | Photo of OCRB – the hole                                                                                                  | Confidential    |
| 9.  | CAR-OTP-2033-7061 |                                                                | Photo of OCRB – the hole                                                                                                  | Confidential    |
| 10. | CAR-OTP-2033-7056 |                                                                | Photo of OCRB – the hole                                                                                                  | Confidential    |
| 11. | CAR-OTP-2033-6871 |                                                                | Photo of OCRB – block A cell<br>(overview of G1 to G4 cells)                                                              | Confidential    |
| 12. | CAR-OTP-2033-7703 |                                                                | Photo of OCRB – block B cell<br>(overview of G7 and G5 cells)                                                             | Confidential    |
| 13. | CAR-OTP-2069-3225 | CAR-REG-0002-0103                                              | Photo of OCRB handover<br>ceremony                                                                                        | Confidential    |
| 14. | CAR-OTP-2069-3226 | CAR-REG-0003-0104                                              | Photo of OCRB handover<br>ceremony                                                                                        | Confidential    |

|     |                   |                   |                                 |              |
|-----|-------------------|-------------------|---------------------------------|--------------|
| 15. | CAR-OTP-2069-3227 | CAR-REG-0003-0105 | Photo of OCRB handover ceremony | Confidential |
| 16. | CAR-OTP-2069-2328 |                   | Photo depicting Nourredine ADAM | Confidential |
| 17. | CAR-OTP-2114-0323 |                   | Photo depicting Mahamat SALLET  | Confidential |

Best regards,

**From:** [REDACTED]  
**Sent:** 19 January 2023 15:04  
**To:** [REDACTED] Trial Chamber VI Communications  
**Cc:** OTP CAR IIA Communications [REDACTED] D33 Said Defence Team  
[REDACTED] Said LRV Team OPCV [REDACTED] Associate Legal  
Officer-Court Officer [REDACTED] jsangone [REDACTED]; [REDACTED]  
**Subject:** RE: 230118 - Request for formal submission of evidence used in the Prosecution's examination of P-1737

Chère Chambre de première instance VI,

En application du paragraphe 22(ii) de la décision sur la conduite des débats du 9 mars 2022 (ICC-01/14-01/21-251), la Défense soumet la réponse suivante à la liste de soumission formelle des éléments de preuve concernant P-1737 transmise par email par l'Accusation le 18 janvier 2023.

Une analyse des éléments de la liste révèle que les éléments CAR-OTP-2055-0137-R01, CAR-OTP-2055-0137-R02 et CAR-OTP-2055-0137-R03 sont en réalité des versions plus ou moins expurgées de la déclaration antérieure du témoin P-1737.

La Défense rappelle que la Chambre de première instance VI a déjà statué à plusieurs reprises sur le sujet de l'introduction au dossier de l'affaire de déclarations antérieures de témoins par le truchement d'un témoin. Ainsi, au moment de la soumission formelle des éléments de preuve concernant le témoin P-0547 la Chambre avait instruit « the parties to not seek submission of items constituting prior recorded testimony through the formal submission of evidence procedure » (mail de la Chambre de première instance VI en date du 31/10/2022). Dans cette même décision, la Chambre avait précisé que: « the relevant sections are already on the record, which the Chamber will have regard to in its assessment of the evidence for the purposes of its judgment pursuant to article 74 of the Statute ».

La Défense rappelle que L'Accusation s'était elle-même opposée à l'introduction au dossier de l'affaire de la déclaration antérieure du témoin P-0547 à l'époque en indiquant que « The Prosecution objects to the Defence's submission of CAR-OTP-2018-0389-R03, CAR-OTP-2025-0566-R02, CAR-OTP-2078-0292-R02 and CAR-OTP-2084-0036-R02 (items Nos. 1, 3-5 of the Defence's list). These documents are Witness P-0547's statements and their translations, the introduction of which is only allowed when the conditions for the introduction of the prior recorded testimony specifically provided for in the Court's applicable law are met (see ICC-01/14-01/18-1197-Anx1, page. 3; ICC-01/14-01/18-631, para. 56; ICC-02/04-01/15-1670, paras. 8-13) » (mail du Bureau du Procureur en date du 13 octobre 2022).

Il convient enfin de relever que la Chambre a aujourd'hui une jurisprudence constante en la matière, ayant rendu une décision similaire pour ce qui est du témoin P-0338 (mail de la Chambre de première instance VI en date du 15 novembre 2022).

Dans ces conditions, et conformément aux décisions préalables rendues par la Chambre en ce qui concerne d'autres témoins, la Défense s'oppose l'introduction au dossier de l'affaire des éléments de preuve CAR-OTP-2055-0137-R01, CAR-OTP-2055-0137-R02 et CAR-OTP-2055-0137-R03.

Bien à vous,

**From** [REDACTED]  
**Sent:** mercredi 18 janvier 2023 12:15  
**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] [jsangone](#) [REDACTED]  
**Subject:** 230118 - Request for formal submission of evidence used in the Prosecution's examination of P-1737

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-1737 listed in this email.

| Tab | ERN<br>(E-Court)                                                        | Registration number<br>of the version marked<br>by the witness | Description                                                                                                               | Confidentiality |
|-----|-------------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1.  | CAR-OTP-2055-0137-R01<br>CAR-OTP-2055-0137-R02<br>CAR-OTP-2055-0137-R03 |                                                                | Witness Statement of P-1737<br>signed on pages 0137 and<br>0155. Witness initials on every<br>page.                       | Confidential    |
| 2.  | CAR-OTP-2055-0157                                                       | CAR-REG-0002-0102                                              | Annex 1 to P-1737's statement.<br>Sketch: P-1737's drawing of<br>the OCRB premises                                        | Confidential    |
| 3.  | CAR-OTP-2055-0195                                                       |                                                                | Annex 2 to P-1737's statement.<br>Digital photo of P-1737's<br>Seleka membership photo<br>identification card: front side | Confidential    |
| 4.  | CAR-OTP-2047-0333                                                       |                                                                | 11.jpg. Photograph depicting<br>Seleka elements and a white<br>pick-up truck with the words<br>COLONEL MAMA SALLE.        | Confidential    |
| 5.  | CAR-OTP-2033-7326                                                       |                                                                | Photo of OCRB – outside                                                                                                   | Confidential    |
| 6.  | CAR-OTP-2033-7718                                                       |                                                                | Photo of OCRB – outside<br>facing gate                                                                                    | Confidential    |
| 7.  | CAR-OTP-2033-6811                                                       |                                                                | Photo of OCRB – inside<br>compound                                                                                        | Confidential    |
| 8.  | CAR-OTP-2033-7154                                                       |                                                                | Photo of OCRB – building                                                                                                  | Confidential    |
| 9.  | CAR-OTP-2033-7729                                                       |                                                                | Photo of OCRB – the hole                                                                                                  | Confidential    |
| 10. | CAR-OTP-2033-7061                                                       |                                                                | Photo of OCRB – the hole                                                                                                  | Confidential    |
| 11. | CAR-OTP-2033-7056                                                       |                                                                | Photo of OCRB – the hole                                                                                                  | Confidential    |

|     |                   |                   |                                                            |              |
|-----|-------------------|-------------------|------------------------------------------------------------|--------------|
|     |                   |                   |                                                            |              |
| 12. | CAR-OTP-2033-6871 |                   | Photo of OCRB – block A cell (overview of G1 to G4 cells)  | Confidential |
| 13. | CAR-OTP-2033-7703 |                   | Photo of OCRB – block B cell (overview of G7 and G5 cells) | Confidential |
| 14. | CAR-OTP-2069-3225 | CAR-REG-0002-0103 | Photo of OCRB handover ceremony                            | Confidential |
| 15. | CAR-OTP-2069-3226 | CAR-REG-0003-0104 | Photo of OCRB handover ceremony                            | Confidential |
| 16. | CAR-OTP-2069-3227 | CAR-REG-0003-0105 | Photo of OCRB handover ceremony                            | Confidential |
| 17. | CAR-OTP-2069-2328 |                   | Photo depicting Nourredine ADAM                            | Confidential |
| 18. | CAR-OTP-2114-0323 |                   | Photo depicting Mahamat SALLET                             | Confidential |

Best regards,

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 18 January 2023 09:43  
**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-1737  
**Attachments:** Liste des éléments pour soumission formelle P-1737.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-1737 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-1737 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  | <a href="#">CAR-OTP-2055-0166</a> | ACTE DE NAISSANCE N.: 2469              | Tout le document         |
| 2  | <a href="#">CAR-OTP-2055-0195</a> | IDENTIFICATION                          | Tout le document         |
| 3  | <a href="#">CAR-OTP-2101-1781</a> | Soit Transmis No 002/4-MSIEOP/DGGN/CAB. | Tout le document         |