

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 15:12
To: Trial Chamber VI Communications
Cc: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV; Associate Legal Officer-Court Officer; [REDACTED]
Subject: 230119 - Request for formal submission of evidence used in the Prosecution's examination of P-2931

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 the guidance provided in emails on 1 December 2022 at 10:11 and 12 January 2023 at 15:05, noting decision ICC-01/14-01/21-571-Conf (paras. 22-23) and oral decision ICC-01/14-01/21-T-046-CONF-ENG RT, p. 3, l.7 - p.7, l.6 in which the Trial Chamber granted the prior recorded testimony and associated material through rule 68(3) and the Annex of the Witness Preparation Log as formally submitted following satisfaction of the procedural requirements of rule 68(3) at the completion of the Prosecution's examination of P-2931 (ICC-01/14-01/21-T-046-CONF-ENG RT, p. 28, l.20-22), the Prosecution notes the items mentioned in the Annex of the Witness Preparation Log and requests the formal submission of evidence used in its examination of Witness P-2931 listed in this email.

#	ERN (E-Court)	Description	Confidentiality
1.	CAR-OTP-2135-4093-R01 CAR-OTP-2135-4093-R02	English translation of witness P-2931's first statement	Confidential
2.	CAR-OTP-2135-4106-R01 CAR-OTP-2135-4106-R02	English translation of witness P-2931's second statement	Confidential
3.	CAR-OTP-2128-0750-R01 CAR-OTP-2128-0750-R02	Complaint of [REDACTED] to the Prosecutor of Bangui about the killing of [REDACTED] provided by P-2890 [REDACTED] – page 1/2	Confidential
4.	CAR-OTP-2128-0753	Complaint of [REDACTED] to the Prosecutor of Bangui about the killing of [REDACTED] provided by P-2890 [REDACTED] – page 2/2	Confidential
5.	CAR-OTP-2128-0747	Military ID card of [REDACTED] provided by P-2890	Confidential
6.	CAR-OTP-2069-3226	Photo of the OCRB handover ceremony	Confidential
7.	CAR-OTP-2094-1928	Photo of the OCRB handover ceremony	Confidential
8.	CAR-OTP-2069-3224	Photo of the OCRB handover ceremony	Confidential
9.	CAR-OTP-2094-1939	Photo of Seleka	Confidential
10.	CAR-OTP-2094-1941	Photo of Seleka	Confidential
11.	CAR-OTP-2069-2328	Photo depicting Nouredine ADAM	Confidential
12.	CAR-OTP-2094-2006	Photo depicting SAID	Confidential
13.	CAR-OTP-2033-6811	Photo of OCRB – inside compound (tree in the courtyard)	Confidential
14.	CAR-OTP-2033-7154	Photo of OCRB – main building	Confidential
15.	CAR-OTP-2033-6871	Photo of OCRB – block A cell (overview of G1 to G4 cells)	Confidential

16.	CAR-OTP-2033-7064	Photo of OCRB – block B cell (overview of G7 and G5 cells)	Confidential
17.	CAR-OTP-2033-6907	Photo of OCRB - Photo of the inside of G3 cell	Confidential
18.	CAR-OTP-2033-7068	Photo of OCRB - Photo of the inside of G5 cell	Confidential
19.	CAR-OTP-00000803	Photo CAR-OTP-2069-3224 annotated by P-2931	Confidential
20.	CAR-OTP-00000804	Photo CAR-OTP-2094-1939 annotated by P-2931	Confidential
21.	CAR-OTP-00000805	Photo CAR-OTP-2094-1941 annotated by P-2931	Confidential

Best regards,



[REDACTED]

From: [REDACTED]
Sent: 19 January 2023 12:04
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-2931
Attachments: Liste des éléments pour soumission formelle P-2931.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-2931 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-2931 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-2128-0750-R01	Plainte contre les éléments de la SELEKA basés à l'OCRB du Centre Ville de Bangui	Tout le document
2	CAR-OTP-2128-0750-R02	Plainte contre les éléments de la SELEKA basés à l'OCRB du Centre Ville de Bangui	Tout le document
3	CAR-OTP-2130-6865-R01	Traduction d'élément de preuve/ NOTE D'ENTRETIEN PRELIMINAIRE/SCREENING NOTE	Tout le document
4	CAR-OTP-2130-6865-R02	Traduction d'élément de preuve/ NOTE D'ENTRETIEN PRELIMINAIRE/SCREENING NOTE	Tout le document
5	CAR-OTP-2130-6865-R03	Traduction d'élément de preuve/ NOTE D'ENTRETIEN PRELIMINAIRE/SCREENING NOTE	Tout le document
6	CAR-OTP-2135-3765-R01	Formulaire de demande à titre individuel	Tout le document
7	CAR-OTP-2135-3765-R02	Formulaire de demande à titre individuel	Tout le document