

ANNEX 4

Public Redacted

From: Trial Chamber VI Communications
Sent: 11 July 2025 15:13
To: D33 Said Defence Team; OTP CAR IIA Communications; Said LRV Team OPCV
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber VI Communications
Subject: RE: Soumission mission Bangui/ Demande

[ICC] RESTRICTED

Dear Parties and Participants,

The Chamber has taken note of the Prosecution's position in respect of the evidence sought to be introduced as a result of the Defence's latest mission to Bangui.

The Chamber recalls that it has previously held that if a witness can be identified who can give useful evidence about the authenticity and/or content of a particular item of evidence, it should ordinarily be introduced through that witness. In making this assessment, the Chamber further recalls that it may have regard to, *inter alia*, whether and to what extent the authenticity and probative value of the items are genuinely in doubt and/or contested, as well as the nature and apparent significance of the items (see ICC-01/14-01/21-694, para. 42, *see also* paras 91, 93).

Taking the foregoing into consideration, the Chamber finds that the evidence that the Defence seeks to submit should be introduced through one of the Defence team members who took part in the recent mission to Bangui. Accordingly, the Defence must call one of the Defence team members who took part in the mission to testify fully *viva voce*. The Chamber intends to schedule this testimony in the week after the Summer Recess, to the extent that this is possible.

The Defence is ordered to provide the name of the person whom they intend to call, and disclose all relevant material, no later than Tuesday 15 July 2025. If the Prosecution has any objections to this individual testifying then it should submit them no later than Thursday 17 July 2025.

In light of the foregoing, the Chamber rejects, as moot, the Defence's request for an extension of time.

Kind regards,
 Trial Chamber VI

From: [REDACTED]
Sent: 09 July 2025 13:00
To: Trial Chamber VI Communications [REDACTED]; D33 Said Defence Team [REDACTED]; OTP CAR IIA Communications [REDACTED]; Said LRV Team OPCV [REDACTED]
Subject: RE: Soumission mission Bangui/ Demande

[ICC] RESTRICTED

Dear Trial Chamber VI,

The Prosecution takes note of the Defence's *ex parte* request of 4 July 2025 for an extension of time to submit evidence in relation to its latest mission to Bangui.

With regard to the potential submission of the mission report through the bar table by the Defence, the Prosecution reiterates its position mentioned in paragraph 28 of its response ICC-01/14-01/21-970, namely that such item of evidence, if compiled by a member of the Defence team, is testimonial in nature and that a bar table motion is not the appropriate procedural avenue to seek its admission.

Should the evidence be introduced through a witness, and more particularly a Defence team member, the Prosecution respectfully submits that it intends to exercise its right to examine such witness, without prejudice to any position it may take beforehand on the standing of such a witness and on the modalities of his/her testimony.

Kind Regards,

[REDACTED]
Sent on behalf of the SAID Prosecution Team

-----Original Message-----

From: Trial Chamber VI Communications <[REDACTED]>
Sent: 08 July 2025 10:38
To: D33 Said Defence Team <[REDACTED]> OTP CAR IIA Communications
<[REDACTED]> Said LRV Team OPCV [REDACTED]
[REDACTED]

Subject: RE: Soumission mission Bangui/ Demande

[ICC] RESTRICTED

Dear Parties and participants,

The Chamber has taken note of the Defence's *ex parte* request for an extension of time to submit evidence in relation to its latest mission to Bangui.

The Chamber observes that it would appear that the Defence intends to submit this evidence through the Bar Table and that it intends to seek the Prosecution's position.

The Chamber notes the nature of the evidence collected, and the fact that the Defence team members will be giving evidence in their reports. In addition, the Chamber recalls the position taken by the Prosecution in respect of mission reports from Defence team members in its response to the Defence's First Bar Table motion (see ICC-01/14-01/21-970, para. 28). Accordingly, in order to avoid any delays, and to allow the Chamber to rule as expeditiously as possible, the Chamber considers it necessary to receive the Prosecution's position on the manner in which the Defence intends to submit this evidence, and whether in principle it wishes to examine any of the Defence team members.

The Chamber orders the Prosecution to make submissions, addressing the Chamber's observations above, no later than Wednesday 9 July 2025. This is without prejudice to any position that the Prosecution may subsequently take when the documents have been disclosed and any substantive request filed. Thereafter, the Chamber will rule on the Defence's request for an extension of time.

Kind regards,
Trial Chamber VI

-----Original Message-----

From: Naouri, Jennifer [REDACTED]

Sent: 04 July 2025 10:09

To: Trial Chamber VI Communications [REDACTED] >

Subject: Soumission mission Bangui/ Demande

[ICC] RESTRICTED

Chère Chambre de première instance VI,

La mission de l'équipe de Défense à Bangui s'est bien déroulée entre le 28 juin 2025 et le 3 juillet 2025.

Conformément aux instructions de la Chambre dans sa décision du 23 Juin 2025 (ICC-01/14-01/21-986-Conf-Exp), la Défense doit déposer une demande visant soumettre au dossier de l'affaire les éléments résultant de cette mission pour le 14 juillet 2025.

La Défense sollicite par la présente une extension limitée du délai pour déposer cette demande.

En effet, pour des raisons techniques de connexion sur place en RCA, ce n'est qu'hier, 3 juillet 2025, à leur retour de Bangui que les membres de l'équipe de Défense qui ont voyagé sur place ont pu communiquer les éléments utiles récoltés pour qu'ils puissent être analysés et exploités. Il s'agit de centaines de photos et de dizaines de vidéos à consulter pour sélectionner celles qui seront divulguées, avec en parallèle la rédaction du rapport de mission par les membres de l'équipe. Une fois ce travail finalisé, il convient d'un point de vue technique, de stamper les documents sélectionnés, uploader sur Nuix en suivant les nombreuses étapes du protocole e-court et les divulguer. Enfin, la Défense devra, conformément à la pratique adoptée dans la présente affaire, communiquer un tableau à l'Accusation en amont du dépôt de sa demande pour obtenir sa position avant dépôt de la demande de la Défense. Il sera matériellement impossible de procéder à toutes ces étapes nécessaires dans les 6 jours ouvrés qu'il reste avant le délai ordonné par la Chambre.

La Défense sollicite par conséquent une extension de délai limitée pour déposer sa demande, jusqu'au 18 juillet 2025, en même temps que son éventuelle bar table portant sur les éléments reçus [REDACTED]

Bien à vous,

Jennifer Naouri

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