

ANNEX A

Public Redacted document

Prosecution's response to the Defence's *"Liste des documents que la Défense entend faire valoir comme éléments de preuve conformément à l'ordonnance de la Chambre du 31 mai 2011"*

Document ID	Description	Previous EVD-T Number Description	Objection	Nature of the objection	Reasoning
Witness CAR-OTP-PPPP-0038					
CAR-ICC-0001-0002	Sketch drawn by witness	EVD-T-D04-00001	No		
Witness CAR-OTP-PPPP-0022					
CAR-OTP-0001-0005	Calendar of 2002	EVD-T-D04-00002	Yes - conditional	Procedural	This Defence submission is unnecessary. Under Article 69(6) of the Rome Statute ("Statute") the Chamber may take judicial notice of facts such as dates.
Witness CAR-OTP-PPPP-0023					
CAR-DEF-0001-0832	Video	EVD-D01-00042	Yes - conditional	Procedural	This video bears sufficient indicia of reliability. If tendered, it

					should be tendered in its entirety in a bar table motion.
Application a/0459/08	Victim's Application		Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. This document is a prior statement of Witness 23 who was available to testify. The Defence had the opportunity to use this document in their examination of Witness 23. The Defence confronted Witness 23 with the document and allowed Witness 23 to clarify details or explain any alleged inconsistencies. Since the Witness testimony is already reflected in the transcripts the Defence submission of this

					document is cumulative and unnecessary. The Chamber may only admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules of Procedure and Evidence ("Rules").
Witness CAR-OTP-PPPP-0081					
CAR-DEF-0001-0832	Video	EVD-D01-00008	Yes - conditional	Procedural	This video bears sufficient indicia of reliability. If tendered, it should be tendered in its entirety in a bar table motion.
a/2412/10	Victim's Application		Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. The Chamber may only

					admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
Witness CAR-OTP-PPPP-0082					
CAR-OTP-0028-0040	Sketch	EVD-T-OTP-00135	No		
Application a/2413/10 ICC-01/05-01/08-954- Conf-Anx372-Red2	Victim's Application		Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. This document is a prior statement of Witness 82 and Witness 82 was available to testify. The Defence had the opportunity to use this document in their examination of Witness 82. The Defence confronted Witness 82 with the document and

					allowed Witness 82 to clarify details or explain any alleged inconsistencies. Since the witness testimony is already reflected in the transcripts the Defence submission of this document is cumulative and unnecessary. The Chamber may only admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
Witness CAR-OTP-PPPP-0068					
CAR-D04-0002-1053 Application a/0288/08	Victim's Application	EVD-T-D04-00006	Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. The Chamber may only

					admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
CAR-D04-0002-1081	Map of Bangui	EVD-T-D04-00007	No		
CAR-ICC-0001-0007	Slide of flash presentation	EVD-T-D04-00005	Yes	Substantive	The Prosecution objects that this is not "evidence" pursuant to Article 69(4) of the Statute. The slide is a Prosecution-generated slide produced solely for the purpose of these proceedings. The Prosecution fails to see how Witness 68 could be expected to provide the basis for the Defence's submission.
Witness CAR-OTP-PPPP-0079					
CAR-OTP-0001-0539	Procès- verbal d'audition de	EVD-T-OTP-00248	Yes - conditional	Procedural	This document is relevant, has probative

	victime				value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9. The Prosecution tendered this document in its submission ICC-01/05-01/08-1514-Conf-AnxA.
CAR-OTP-0002-0298	Procès-verbal de constat	EVD-P-04095	Yes	Procedural	The Defence failed to establish a foundation to tender the document through Witness 79.
CAR-OTP-0003-0150	Procès-verbal de constat	EVD-P-02961	Yes	Procedural	The Defence failed to establish a foundation to tender the document through Witness 79.
Witness CAR-OTP-PPPP-0029					
CAR-D04-0002-1286	Extract of Central African Republic map	EVD-T-D04-00011	No		
CAR-D04-0002-1287	Photos of [REDACTED]	EVD-T-D04-00012	No		

Witness CAR-OTP-PPPP-0119					
CAR-DEF-0002-0713	[REDACTED]	EVD-T-D04-00015	Yes - conditional	Procedural	The Prosecution has no objection in principle, but this document should be submitted in a bar table motion.
CAR-OTP-0044-0155_R01	Sketch	EVD-T-D04-00014	No		
CAR-OTP-0044-0178_R01		EVD-T-D04-00013	No		
Witness CAR-OTP-PPPP-0229					
CAR-D04-0002-1090	Epidemiological Fact Sheet/Report	EVD-T-D04-00026	Yes - conditional	Procedural	The Prosecution has no objection in principle, but this is document should be submitted in a bar table motion.
CAR-D04-0002-1095	[REDACTED]	EVD-T-D04-00025	Yes - conditional	Procedural	The Prosecution has no objection in principle, but this document should be submitted in a bar table motion.
Witness CAR-OTP-PPPP-0006					
CAR-OTP-0004-0065	Réquisitoire de non-lieu partiel et de renvoi devant	EVD-T-D04-00016	No		

	la cour criminelle				
CAR-OTP-0005-0099	OTP Witness Statement	EVD-T-OTP-00044	Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. The Chamber may only admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
CAR-OTP-0019-0207	Procès-verbal d'interrogatoire	EVD-T-D04-00021	Yes - conditional	Procedural	The Prosecution has no objection in principle and agrees that this document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9.
CAR-OTP-0019-0211	Procès-verbal d'interrogatoire	EVD-T-D04-00017	Yes - conditional	Procedural	This document is relevant, has probative

					value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9.
CAR-OTP-0019-0215	Procès-verbal d'interrogatoire	EVD-T-D04-00018	Yes - conditional	Procedural	The Prosecution has no objection in principle and agrees that this document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9.
CAR-OTP-0019-0230	Procès-verbal d'audition de Témoin	EVD-T-D04-00020	Yes - conditional	Procedural	The Prosecution has no objection in principle, and agrees that this document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9.

CAR-OTP-0019-0234	Procès-verbal d'audition de Témoin	EVD-T-D04-00022	Yes - conditional	Procedural	This document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9.
CAR-OTP-0042-0237	Note de Service	EVD-T-D04-00019	Yes - conditional	Procedural	The Prosecution has no objection in principle, but this document should be submitted in a bar table motion.
Witness CAR-OTP-PPPP-0009					
CAR-D04-0002-1293	Ancien code de procédure pénale	EVD-T-D04-00028	No		
CAR-D04-0002-1365	Annex 2 of document ICC-770 (actes de procédure en RCA)	EVD-T-D04-00027	Yes - conditional	Procedural	The Prosecution has no objection in principle, and agrees that this document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered

					through its author, Witness 6.
CAR-OTP-0001-0539	Procès-verbal d'audition de Victime	EVD-T-OTP-00248	No		The Prosecution tendered this document through Witness 9 in its submission ICC-01/05-01/08-1514-Conf-AnxA.
CAR-OTP-0004-0065	Réquisitoire de non-lieu partiel et de renvoi devant la cour criminelle	EVD-T-D04-00016	Yes - conditional	Procedural	The Prosecution has no objection in principle and agrees that this document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 6.
CAR-OTP-0010-0107	OTP Witness Statement	EVD-T-OTP-00045	Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. The Chamber may only admit a prior statement on an exceptional basis after a cautious analysis

					in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
CAR-OTP-0010-0170_R03	OTP Witness Statement	EVD-T-OTP-00047	Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. The Chamber may only admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
CAR-OTP-0019-0207	Procès-verbal d'interrogatoire	EVD-T-D04-00021	No		
CAR-OTP-0019-0211	Procès-verbal d'interrogatoire	EVD-T-D04-00017	No		
CAR-OTP-0019-0215	Procès-verbal d'interrogatoire	EVD-T-D04-00018	No		
CAR-OTP-0019-0230	Procès-verbal d'audition de Témoin	EVD-T-D04-00020	No		

CAR-OTP-0019-0234	Procès-verbal d'audition de Témoin	EVD-T-D04-00022	No		
CAR-OTP-0019-0237	Procès-verbal d'audition de Témoin	EVD-T-D04-00029	No		
CAR-OTP-0019-0245	Procès-verbal d'audition de Témoin	EVD-T-D04-00030	No		
CAR-OTP-0042-0237	Note de Service	EVD-T-D04-00019	Yes - conditional	Procedural	The Prosecution has no objection in principle, but this document should be submitted in a bar table motion.

Prosecution's response to the Defence's *"Liste des documents que la Défense entend faire valoir comme éléments de preuve conformément à l'ordonnance de la Chambre du 31 mai 2011"*

Document ID	Description	Previous EVD-T Number Description	Objection	Nature of the objection	Reasoning
Witness CAR-OTP-PPPP-0038					
CAR-ICC-0001-0002	Sketch drawn by witness	EVD-T-D04-00001	No		
Witness CAR-OTP-PPPP-0022					
CAR-OTP-0001-0005	Calendar of 2002	EVD-T-D04-00002	Yes - conditional	Procedural	This Defence submission is unnecessary. Under Article 69(6) of the Rome Statute ("Statute") the Chamber may take judicial notice of facts such as dates.
Witness CAR-OTP-PPPP-0023					
CAR-DEF-0001-0832	Video	EVD-D01-00042	Yes - conditional	Procedural	This video bears sufficient indicia of reliability. If tendered, it

					should be tendered in its entirety in a bar table motion.
Application a/0459/08	Victim's Application		Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. This document is a prior statement of Witness 23 who was available to testify. The Defence had the opportunity to use this document in their examination of Witness 23. The Defence confronted Witness 23 with the document and allowed Witness 23 to clarify details or explain any alleged inconsistencies. Since the Witness testimony is already reflected in the transcripts the Defence submission of this

					document is cumulative and unnecessary. The Chamber may only admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules of Procedure and Evidence ("Rules").
Witness CAR-OTP-PPPP-0081					
CAR-DEF-0001-0832	Video	EVD-D01-00008	Yes - conditional	Procedural	This video bears sufficient indicia of reliability. If tendered, it should be tendered in its entirety in a bar table motion.
a/2412/10	Victim's Application		Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. The Chamber may only

					admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
Witness CAR-OTP-PPPP-0082					
CAR-OTP-0028-0040	Sketch	EVD-T-OTP-00135	No		
Application a/2413/10 ICC-01/05-01/08-954- Conf-Anx372-Red2	Victim's Application		Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. This document is a prior statement of Witness 82 and Witness 82 was available to testify. The Defence had the opportunity to use this document in their examination of Witness 82. The Defence confronted Witness 82 with the document and

					allowed Witness 82 to clarify details or explain any alleged inconsistencies. Since the witness testimony is already reflected in the transcripts the Defence submission of this document is cumulative and unnecessary. The Chamber may only admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
Witness CAR-OTP-PPPP-0068					
CAR-D04-0002-1053 Application a/0288/08	Victim's Application	EVD-T-D04-00006	Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. The Chamber may only

					admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
CAR-D04-0002-1081	Map of Bangui	EVD-T-D04-00007	No		
CAR-ICC-0001-0007	Slide of flash presentation	EVD-T-D04-00005	Yes	Substantive	The Prosecution objects that this is not "evidence" pursuant to Article 69(4) of the Statute. The slide is a Prosecution-generated slide produced solely for the purpose of these proceedings. The Prosecution fails to see how Witness 68 could be expected to provide the basis for the Defence's submission.
Witness CAR-OTP-PPPP-0079					
CAR-OTP-0001-0539	Procès- verbal d'audition de	EVD-T-OTP-00248	Yes - conditional	Procedural	This document is relevant, has probative

	victime				value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9. The Prosecution tendered this document in its submission ICC-01/05-01/08-1514-Conf-AnxA.
CAR-OTP-0002-0298	Procès-verbal de constat	EVD-P-04095	Yes	Procedural	The Defence failed to establish a foundation to tender the document through Witness 79.
CAR-OTP-0003-0150	Procès-verbal de constat	EVD-P-02961	Yes	Procedural	The Defence failed to establish a foundation to tender the document through Witness 79.
Witness CAR-OTP-PPPP-0029					
CAR-D04-0002-1286	Extract of Central African Republic map	EVD-T-D04-00011	No		
CAR-D04-0002-1287	Photos of [REDACTED]	EVD-T-D04-00012	No		

Witness CAR-OTP-PPPP-0119					
CAR-DEF-0002-0713	[REDACTED]	EVD-T-D04-00015	Yes - conditional	Procedural	The Prosecution has no objection in principle, but this document should be submitted in a bar table motion.
CAR-OTP-0044-0155_R01	Sketch	EVD-T-D04-00014	No		
CAR-OTP-0044-0178_R01		EVD-T-D04-00013	No		
Witness CAR-OTP-PPPP-0229					
CAR-D04-0002-1090	Epidemiological Fact Sheet/Report	EVD-T-D04-00026	Yes - conditional	Procedural	The Prosecution has no objection in principle, but this is document should be submitted in a bar table motion.
CAR-D04-0002-1095	[REDACTED]	EVD-T-D04-00025	Yes - conditional	Procedural	The Prosecution has no objection in principle, but this document should be submitted in a bar table motion.
Witness CAR-OTP-PPPP-0006					
CAR-OTP-0004-0065	Réquisitoire de non-lieu partiel et de renvoi devant	EVD-T-D04-00016	No		

	la cour criminelle				
CAR-OTP-0005-0099	OTP Witness Statement	EVD-T-OTP-00044	Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. The Chamber may only admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
CAR-OTP-0019-0207	Procès-verbal d'interrogatoire	EVD-T-D04-00021	Yes - conditional	Procedural	The Prosecution has no objection in principle and agrees that this document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9.
CAR-OTP-0019-0211	Procès-verbal d'interrogatoire	EVD-T-D04-00017	Yes - conditional	Procedural	This document is relevant, has probative

					value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9.
CAR-OTP-0019-0215	Procès-verbal d'interrogatoire	EVD-T-D04-00018	Yes - conditional	Procedural	The Prosecution has no objection in principle and agrees that this document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9.
CAR-OTP-0019-0230	Procès-verbal d'audition de Témoin	EVD-T-D04-00020	Yes - conditional	Procedural	The Prosecution has no objection in principle, and agrees that this document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9.

CAR-OTP-0019-0234	Procès-verbal d'audition de Témoin	EVD-T-D04-00022	Yes - conditional	Procedural	This document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 9.
CAR-OTP-0042-0237	Note de Service	EVD-T-D04-00019	Yes - conditional	Procedural	The Prosecution has no objection in principle, but this document should be submitted in a bar table motion.
Witness CAR-OTP-PPPP-0009					
CAR-D04-0002-1293	Ancien code de procédure pénale	EVD-T-D04-00028	No		
CAR-D04-0002-1365	Annex 2 of document ICC-770 (actes de procédure en RCA)	EVD-T-D04-00027	Yes - conditional	Procedural	The Prosecution has no objection in principle, and agrees that this document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered

					through its author, Witness 6.
CAR-OTP-0001-0539	Procès-verbal d'audition de Victime	EVD-T-OTP-00248	No		The Prosecution tendered this document through Witness 9 in its submission ICC-01/05-01/08-1514-Conf-AnxA.
CAR-OTP-0004-0065	Réquisitoire de non-lieu partiel et de renvoi devant la cour criminelle	EVD-T-D04-00016	Yes - conditional	Procedural	The Prosecution has no objection in principle and agrees that this document is relevant, has probative value and bears sufficient indicia of reliability. However, it should be tendered through its author, Witness 6.
CAR-OTP-0010-0107	OTP Witness Statement	EVD-T-OTP-00045	Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. The Chamber may only admit a prior statement on an exceptional basis after a cautious analysis

					in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
CAR-OTP-0010-0170_R03	OTP Witness Statement	EVD-T-OTP-00047	Yes	Substantive	The Prosecution objects on the basis of the principle of the primacy of orality in the proceedings. The Chamber may only admit a prior statement on an exceptional basis after a cautious analysis in accordance with Articles 69(2) and 69(4) of the Statute and with Rule 68 of the Rules.
CAR-OTP-0019-0207	Procès-verbal d'interrogatoire	EVD-T-D04-00021	No		
CAR-OTP-0019-0211	Procès-verbal d'interrogatoire	EVD-T-D04-00017	No		
CAR-OTP-0019-0215	Procès-verbal d'interrogatoire	EVD-T-D04-00018	No		
CAR-OTP-0019-0230	Procès-verbal d'audition de Témoin	EVD-T-D04-00020	No		

CAR-OTP-0019-0234	Procès-verbal d'audition de Témoin	EVD-T-D04-00022	No		
CAR-OTP-0019-0237	Procès-verbal d'audition de Témoin	EVD-T-D04-00029	No		
CAR-OTP-0019-0245	Procès-verbal d'audition de Témoin	EVD-T-D04-00030	No		
CAR-OTP-0042-0237	Note de Service	EVD-T-D04-00019	Yes - conditional	Procedural	The Prosecution has no objection in principle, but this document should be submitted in a bar table motion.