

Annex 1

Public

From: Trial Chamber V Communications
Sent: 19 July 2021 11:37
To: OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Cc: Trial Chamber V Communications
Subject: Decision on Submitted Materials for P-2027
Attachments: OTP List of the documents to be submitted through P-2027; Yekatom Defence Documents to be submitted through P-2027; RE: OTP List of the documents to be submitted through P-2027; RE: OTP List of the documents to be submitted through P-2027

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the emails on the submission of evidence following the examination of P-2027 by the Prosecution (*see* attached email from the Prosecution, 2 June 2021, at 17:59) and the Yekatom Defence (*see* attached email from the Yekatom Defence, 3 June 2021, at 11:24); as well as of the Defence's responses to the Prosecution's email (*see* attached email from the Ngaissona Defence, 3 June 2021, at 12:13; email from the Yekatom Defence, 7 June 2021, at 18:01), and the Prosecution's response thereto (*see* attached email from the Prosecution, 8 June 2021, at 21:19).

Concerning the Defence's objections to the submission of item CAR-OTP-2101-9735, the Chamber recalls that this item has already been introduced under Rule 68(3) of the Rules and that it is not necessary to re-submit items that have already been submitted. It further notes that the Chamber confirmed that the requirements of Rule 68(3) of the Rules have been met for this item (*see* email from the Chamber, 2 July 2021, at 14:07). Therefore, the Chamber does not consider it necessary to address the objections raised.

Regarding the Defence's objections to the submission of items CAR-OTP-2102-3924, CAR-OTP-2103-4149 and CAR-OTP-2103-4185, consisting of Facebook conversations, the Chamber notes the Defence's objections to the submission of those pages containing messages not shown to nor discussed with the witness. In light of the nature and scope of these items, compared to the extent to which they were used during P-2027's questioning, the Chamber is of the view that it would be more appropriate to seek their formal submission through a bar table application. Therefore, without prejudice to its ruling on any bar table request, the Chamber rejects the Prosecution's request to formally submit these items by email through P-2027 (*see also* email from the Chamber, 2 July 2021, at 14:07).

In light of the above, the Chamber recognises as formally submitted the following items submitted by the Yekatom Defence (*see* email referenced above):

- CAR-D29-0001-0107
- CAR-D29-0001-0096
- CAR-D29-0001-0093
- CAR-D29-0001-0091
- CAR-D29-0010-0002
- CAR-OTP-2024-0447

Further, the Chamber confirms that the requirements of Rule 68(3) of the Rules have been met for the following items:

- CAR-OTP-2078-0059
- CAR-OTP-2118-0965
- CAR-OTP-2107-2922

The Registry is directed to proceed in accordance with paragraph 63(v) of the Initial Directions, ICC-01/14-01/18-631.

Kind regards, TC V

From: Vanderpuye, Kweku
Sent: 08 June 2021 21:19
To: [REDACTED]; Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; Associate Legal Officer-Court Officer; [REDACTED]
Subject: RE: OTP List of the documents to be submitted through P-2027

Dear Trial Chamber V,

Please note that, as regards the tendered Facebook records, the Prosecution will take the Chamber's guidance on the matter.

Principally, the Prosecution tenders the specific pages identified in its List of Materials and those referenced in the Parties' respective lists as indicated, to the extent the Prosecution intends to tender those items as well. That said, the Chamber may consider that submission of the whole of the document may be necessary in order to place any given conversation in context, as it deems appropriate.

Kind regards,

Kweku Vanderpuye

From: [REDACTED]
Sent: 07 June 2021 18:01
To: [REDACTED] Trial Chamber V Communication [REDACTED]
 [REDACTED]; Vanderpuye, Kweku [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team [REDACTED] 45 LRV Team [REDACTED]; OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: OTP List of the documents to be submitted through P-2027

Dear Trial Chamber V,

The Defence for Mr. Yekatom hereby responds to the Prosecution's email of 2 June seeking formal submission of 6 documents in relation to P-2027.

The Defence takes no position on the documents submitted under Rule 68(3) as listed at #1-2 on the second list, in light of the Chamber's Decision of 22 March 2021 (ICC-01/14-01/18-918-Conf).

The Defence respectfully opposes the formal submission of the documents (comprising Facebook messenger conversations) listed at #1-4 of the first list, to the extent that the Prosecution seeks submission of these documents (which comprise 250 pages of digital conversations, totalling an estimated 1700-plus messages) in their entirety. In the interests of judicial economy, the Defence respectfully refers the Chamber to the Yekatom Defence email sent on 18 May 2021 at 20:26 – specifically, to the submissions made in opposition to the Prosecution's request for wholesale submission of Facebook messenger conversations following the evidence of P-2841 – and incorporates those submissions *mutatis mutandis*.

The Defence would not oppose formal submission of those pages containing messages to which the witness was specifically taken and upon which he gave evidence.

Kind regards,

[REDACTED]

Legal Assistant, Yekatom Defence

From: [REDACTED]
Sent: 02 June 2021 17:59
To: Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; Associate Legal Officer-Court Officer; [REDACTED]
Subject: OTP List of the documents to be submitted through P-2027

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the Initial Directions of the Conduct of the Proceedings (ICC-01/14-01/18-631), the Prosecution submits the documents listed below relating to the testimony of witness P-2027. The submitted documents were discussed with the witness during the course of his direct examination. The Prosecution, therefore, requests that they be recognised as formally submitted.

(i) Documents discussed with the witness during the course of his direct examination :

Count	Doc ID	WIT – Used through	Type	EVD - Date	EVD – Participant Tendering	Request Submission
1	CAR-OTP-2101-9735	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes
2	CAR-OTP-2102-3924	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes
3	CAR-OTP-2103-4149	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes
4	CAR-OTP-2103-4185	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes

(ii) Two items submitted under Rule 68(3) at the start of P-2027's testimony (ICC-01/14-01/18-964-Conf, paras. 25-28; ICC-01/14-01/18-T-039 ENG RT, p. 32, l.21-25):

Count	Doc ID	WIT – Used through	Type	EVD - Date	EVD – Participant Tendering	Request Submission
1	CAR-OTP-2078-0059	CAR-OTP-P-2027	ICC Statement - General	01-Jun-2021	OTP	Yes
2	CAR-OTP-2118-0965	CAR-OTP-P-2027	ICC Statement - Translation - FRA	N/A	OTP	Yes

Kind regards,

[REDACTED]

OTP Case Manager

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From: [REDACTED]
Sent: 07 June 2021 18:01
To: [REDACTED] Trial Chamber V Communications; Vanderpuye, Kweku
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; Associate Legal Officer-Court Officer; [REDACTED]
Subject: RE: OTP List of the documents to be submitted through P-2027

Dear Trial Chamber V,

The Defence for Mr. Yekatom hereby responds to the Prosecution's email of 2 June seeking formal submission of 6 documents in relation to P-2027.

The Defence takes no position on the documents submitted under Rule 68(3) as listed at #1-2 on the second list, in light of the Chamber's Decision of 22 March 2021 (ICC-01/14-01/18-918-Conf).

The Defence respectfully opposes the formal submission of the documents (comprising Facebook messenger conversations) listed at #1-4 of the first list, to the extent that the Prosecution seeks submission of these documents (which comprise 250 pages of digital conversations, totalling an estimated 1700-plus messages) in their entirety. In the interests of judicial economy, the Defence respectfully refers the Chamber to the Yekatom Defence email sent on 18 May 2021 at 20:26 – specifically, to the submissions made in opposition to the Prosecution's request for wholesale submission of Facebook messenger conversations following the evidence of P-2841 – and incorporates those submissions *mutatis mutandis*.

The Defence would not oppose formal submission of those pages containing messages to which the witness was specifically taken and upon which he gave evidence.

Kind regards,

[REDACTED]

Legal Assistant, Yekatom Defence

From: [REDACTED]
Sent: 02 June 2021 17:59
To: Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; Associate Legal Officer-Court Officer; [REDACTED]
Subject: OTP List of the documents to be submitted through P-2027

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the Initial Directions of the Conduct of the Proceedings (ICC-01/14-01/18-631), the Prosecution submits the documents listed below relating to the testimony of witness P-2027. The submitted documents were discussed with the witness during the course of his direct examination. The Prosecution, therefore, requests that they be recognised as formally submitted.

- (i) Documents discussed with the witness during the course of his direct examination :

Count	Doc ID	WIT – Used through	Type	EVD - Date	EVD – Participant Tendering	Request Submission
1	CAR-OTP-2101-9735	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes
2	CAR-OTP-2102-3924	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes
3	CAR-OTP-2103-4149	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes
4	CAR-OTP-2103-4185	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes

(ii) Two items submitted under Rule 68(3) at the start of P-2027's testimony (ICC-01/14-01/18-964-Conf, paras. 25-28; ICC-01/14-01/18-T-039 ENG RT, p. 32, l.21-25):

Count	Doc ID	WIT – Used through	Type	EVD - Date	EVD – Participant Tendering	Request Submission
1	CAR-OTP-2078-0059	CAR-OTP-P-2027	ICC Statement - General	01-Jun-2021	OTP	Yes
2	CAR-OTP-2118-0965	CAR-OTP-P-2027	ICC Statement - Translation - FRA	N/A	OTP	Yes

Kind regards,


OTP Case Manager

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From: [REDACTED]
Sent: 03 June 2021 12:13
To: [REDACTED] Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; Associate Legal Officer-Court Officer; [REDACTED]
Subject: RE: OTP List of the documents to be submitted through P-2027

Dear Trial Chamber V,

The Defence for Mr Ngaissona respectfully opposes the wholesale submission of the facebook conversations, as listed in the Prosecution's first list (items #1-4) as it concerns Witness P-2027. The Defence would not oppose the submission of those pages containing messages on which Witness P-2027 specifically gave evidence during oral testimony; however, the *prima facie* relevance and reliability of the messages upon which the witness was not given an opportunity to comment have not been established by the Prosecution.

The Defence incorporates by reference its previous objections to the formal submissions of entire facebook conversations in relation to Witness P-2841 (see email dated 19 May 2021, 10:55 and email from the Defence team of Mr Yekatom dated 18 May at 20:25).

Kind regards,

From: [REDACTED]
Sent: 02 June 2021 17:59
To: Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; Associate Legal Officer-Court Officer; [REDACTED]
Subject: OTP List of the documents to be submitted through P-2027

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the Initial Directions of the Conduct of the Proceedings (ICC-01/14-01/18-631), the Prosecution submits the documents listed below relating to the testimony of witness P-2027. The submitted documents were discussed with the witness during the course of his direct examination. The Prosecution, therefore, requests that they be recognised as formally submitted.

- (i) Documents discussed with the witness during the course of his direct examination :

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3	CAR-OTP-2103-4149	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes
4	CAR-OTP-2103-4185	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes

- (ii) Two items submitted under Rule 68(3) at the start of P-2027's testimony (ICC-01/14-01/18-964-Conf, paras. 25-28; ICC-01/14-01/18-T-039 ENG RT, p. 32, l.21-25):

Count	Doc ID	WIT – Used through	Type	EVD - Date	EVD – Participant Tendering	Request Submission
1	CAR-OTP-2078-0059	CAR-OTP-P-2027	ICC Statement - General	01-Jun-2021	OTP	Yes
2	CAR-OTP-2118-0965	CAR-OTP-P-2027	ICC Statement - Translation - FRA	N/A	OTP	Yes

Kind regards,

OTP Case Manager

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From: [REDACTED]
Sent: 03 June 2021 11:24
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team; V44 LRV Team OPCV; D29 Yekatom Defence Team
Subject: Yekatom Defence Documents to be submitted through P-2027

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the *Initial Directions of the Conduct of the Proceedings* (ICC-01/14-01/18-631) and following the conclusion of the examination of P-2027 by all the participants, the Defence of Mr. Yekatom requests the submission of the following items used during the hearing as evidence:

Count	Doc ID	Title	Type
1	CAR-D29-0001-0107	Décret fixant la réglementation applicable aux personnels militaires non officiers de l'armée de terre	Legal, Administration and Court document - non ICC
2	CAR-D29-0001-0096	Décret portant statut des officiers d'active de l'armée nationale	Legal, Administration and Court document - non ICC
3	CAR-D29-0001-0093	Décret portant nomination à titre exceptionnel des officiers de l'armée nationale aux grades supérieurs	Legal, Administration and Court document - non ICC
4	CAR-D29-0001-0091	Décret portant nomination à titre exceptionnel des officiers de la gendarmerie	Legal, Administration and Court document - non ICC
5	CAR-D29-0010-0002	Photograph of FACA	Photographs
6	CAR-OTP-2024-0447	Press article - Wenezoui poses with his men at their base in the Boeing district of the Central African Republic's capital Bangui	Media / press article

Best regards,



Legal Assistant
Yekatom Defence

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From: [REDACTED]
Sent: 02 June 2021 17:59
To: Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; Associate Legal Officer-Court Officer; [REDACTED]
Subject: OTP List of the documents to be submitted through P-2027

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the Initial Directions of the Conduct of the Proceedings (ICC-01/14-01/18-631), the Prosecution submits the documents listed below relating to the testimony of witness P-2027. The submitted documents were discussed with the witness during the course of his direct examination. The Prosecution, therefore, requests that they be recognised as formally submitted.

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4	CAR-OTP-2103-4185	CAR-OTP-P-2027	Communication - E-message	01-Jun-2021	OTP	Yes

(ii) Two items submitted under Rule 68(3) at the start of P-2027's testimony (ICC-01/14-01/18-964-Conf, paras. 25-28; ICC-01/14-01/18-T-039 ENG RT, p. 32, l.21-25):

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2	CAR-OTP-2118-0965	CAR-OTP-P-2027	ICC Statement - Translation - FRA	N/A	OTP	Yes

Kind regards,

[REDACTED]
 OTP Case Manager