

ANNEX 1

PUBLIC

From: Trial Chamber V Communications
Sent: 01 October 2021 12:28
To: [REDACTED] Trial Chamber V Communications
Cc: D30 Ngaïssona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; [REDACTED] Chamber Decisions Communication
Subject: Decision on submitted materials for P-2328
Attachments: Ngaïssona Defence submission of evidence following the examination of P-2328; OTP List of the documents to be submitted through P-2328; RE: OTP List of the documents to be submitted through P-2328; RE: Yekatom Defence Documents to be submitted through P-2328; RE: Yekatom Defence Documents to be submitted through P-2328

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the emails on the submission of evidence following the examination of P-2328 by the Yekatom Defence (see below email from the Yekatom Defence, 12 July 2021, at 16:31), the Ngaïssona Defence (see attached email from the Ngaïssona Defence, 12 July 2021, at 17:09) and the Prosecution (see attached email from the Prosecution, 12 July 2021, at 18:19); as well as the Prosecution's response to the Yekatom Defence's and Ngaïssona Defence's emails (see below email from the Prosecution, 13 July 2021, at 12:55), the Yekatom Defence's response thereto (see below email from the Yekatom Defence, 15 July 2021, at 15:19), and the subsequent replies by the Prosecution (see below email from the Prosecution on 16 July 2021, at 15:50); as well as the Yekatom Defence's response to the Prosecution's list of items (see attached email from the Yekatom Defence, 15 July 2021, at 14:16), the Prosecution's response thereto (see attached email from the Prosecution, 16 July 2021, at 15:50) and the Yekatom Defence's reply (see attached email from the Yekatom Defence, 16 July 2021, 16:45).

At the outset, the Chamber notes that among the items included in the participants' emails, items CAR-OTP-2025-0362; CAR-D29-0002-0013; and CAR-OTP-2084-0146 have already been recognised as formally submitted. In relation to these items, the Chamber recalls that it is not necessary to re-submit items that have already been submitted.

Turning to items CAR-OTP-2001-1437 and CAR-OTP-2003-0019, constituting, respectively, a 123-page report from Amnesty International and a 563-page document purporting to be the judicial case file of François Bozizé and containing, inter alia, a number of procès-verbaux d'audition, the Chamber notes the Yekatom Defence's objection to the submission of these items in their entirety, and the Prosecution's alternative request for submission of relevant excerpts that were discussed with P-2328. However, in light of the nature of these items, and noting that relevant excerpts were shown to and commented upon the witness during his testimony, the Chamber sees no obstacle to their submission by email through P-2328.

Similarly, the Chamber notes the Yekatom Defence's request to submit specific pages of items CAR-OTP-2100-3494 and CAR-OTP-2099-8825, consisting of Facebook communications. In light of the nature and scope of these items, compared to the extent to which they were used during P-2328'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 Yekatom Defence's request to formally submit the excerpts of these Facebook conversations by email through P-2328.

As regards item CAR-OTP-2101-3615, a three-page-document containing a two-page 'Message porté' from the Cour d'Appel de Bangui (CAR-OTP-2101-3615, at 3615 to 3616), as well as a one-page letter from the CAR Coordinateur Principal des Affaires humanitaires of the United Nations Office for the Coordination of Humanitarian Affairs to the Representative of the International Organisation for Migration (CAR-OTP-2101-3615, at 3617), the Chamber notes the Yekatom Defence's objection to the submission of the last page, as well as the Prosecution's alternative request for the submission of the first two pages. In this regard, the Chamber recalls its previous finding that it cannot be

excluded that there may be circumstances warranting that only part(s) of a single item be submitted into evidence and that such requests will be assessed by the Chamber on a case-by-case basis (Decision on Submitted Materials for P-2841, email from the Chamber on 2 July 2021, at 14:07). In this specific instance, the Chamber notes that the last page appears to constitute a separate document emanating from a different source than the first two pages, and that only the first two pages were discussed with P-2328 during his testimony. Under these circumstances, the Chamber finds that only pages (3615 to 3616) should be considered as formally submitted.

Lastly, the Chamber notes the Prosecution's objection to the Yekatom and Ngaïssona Defence's request for submission of CAR-D30-0007-0205, at 0615-0632, consisting of a 17-page sub-chapter titled 'The business of waiting for DDR' of a 467-page doctoral dissertation entitled "Raiding Sovereignty in Central African Borderlands". The Chamber reiterates that it 'will assess the standard evidentiary criteria (namely the relevance, probative value and potential prejudice) of each item as part of its holistic assessment when deliberating its judgment pursuant to Article 74(2) of the Statute' (see Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, para. 53). The Chamber further notes that there also does not appear to be any procedural bars, obstacles or preconditions in relation to item CAR-D30-0007-0205 which would require the Chamber to rule on the admissibility of this item at this stage (see Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, para. 54). Specifically, the Chamber notes that the item is not submitted as expert evidence and remains therefore unpersuaded by the Prosecution's argument that the requested submission 'effectively circumvent[s] the expert qualification necessary for Lombard's opinions to be submitted as evidence in the case' (see email from the Prosecution, 13 July 2021, at 12:55). Lastly in this regard, the Chamber considers that the relevant sub-chapter can be most adequately assessed in the context of the broader context of the dissertation as a whole which may provide the necessary context. Under these circumstances, the Chamber grants the Prosecution's alternative request for submission of the item in its entirety.

In light of the above, the Chamber recognises as formally submitted the following items submitted by the participants (see emails referenced above):

CAR-OTP-2101-3413
 CAR-D29-0002-0043
 CAR-D29-0002-0042
 CAR-D29-0001-0115
 CAR-D29-0001-0122
 CAR-D29-0002-0048
 CAR-OTP-2099-0232
 CAR-D30-0007-0205
 CAR-D30-0006-0028
 CAR-D30-0007-0022
 CAR-D30-0007-0029
 CAR-D30-0007-0161
 CAR-D30-0007-0187
 CAR-D30-0007-0201
 CAR-D30-0007-0672
 CAR-OTP-2001-3936
 CAR-D30-0007-0008
 CAR-D30-0007-0014
 CAR-OTP-2025-0396
 CAR-OTP-2025-0408
 CAR-OTP-2042-2641
 CAR-OTP-2110-0145
 CAR-OTP-2118-5622
 CAR-OTP-2126-2772
 CAR-OTP-2005-0371
 CAR-OTP-2008-0754
 CAR-OTP-2074-0411
 CAR-OTP-2075-1289
 CAR-OTP-2100-1832

CAR-OTP-0080-0690
 CAR-OTP-0080-0739
 CAR-OTP-0080-0802
 CAR-OTP-0080-0814
 CAR-OTP-0080-0818
 CAR-OTP-0080-0821
 CAR-OTP-0080-0838
 CAR-OTP-2001-4818
 CAR-OTP-2001-5642
 CAR-OTP-2002-0719
 CAR-OTP-2003-0019
 CAR-OTP-2030-0270
 CAR-OTP-2087-9025
 CAR-OTP-2099-0247
 CAR-OTP-2099-0251
 CAR-OTP-2099-0255
 CAR-OTP-2100-1698
 CAR-OTP-2001-1437
 CAR-OTP-2101-3615, at 3615 to 3616
 CAR-OTP-2030-0250

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

Lastly, the Chamber reminds the participants to comply with the relevant deadlines for the submission of evidence as set out in paragraph 63(v) of the Initial Directions.

Kind regards, TC V

From: [REDACTED] >
Sent: 16 July 2021 10:54
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team <[REDACTED]> OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED] D29 Yekatom Defence Team [REDACTED]; [REDACTED] a [REDACTED]
Subject: RE: Yekatom Defence Documents to be submitted through P-2328

Dear Trial Chamber V,

The Prosecution takes note of the opposition of the Yekatom Defence to the submission of 3 documents in their entirety (email of Yekatom Defence, 15 July 2021, at 14:16).

Consequently, subject to the Chamber's discretion, we request that the items be considered formally submitted regarding the following portions:

- #1 : CAR-OTP-2001-1437, at 1498-1499. The topic of DDR, discussed over pages 1498-1499, provides the necessary context to the portion read into the record.
- #2 : CAR-OTP-2003-0019, at 0452-0483. The series of international arrest warrants cited during the examination of P-2328, from 0452 (as indicated at T046, 61:18) to 0483 (as indicated at T046, 62:9) are part of the same procedure against BOZIZE and his inner circle. All arrest warrants were issued on the basis of the crimes committed by BOZIZE, his presidential guard and his close associates, as explained in the "*exposé de faits*" at 0456-0457. For example, NGAISSONA's arrest warrant (at 0476-0479, discussed at T047, 26:10 to 28:6) ensues directly from the 'economical crimes' explained at 0457, rendering thus the whole series of

arrest warrants relevant to understanding each person's role in BOZIZE's circle, as well as providing the necessary context for each individual warrant.

· #26 : CAR-OTP-2101-3615, at 3615-3616.

Kind regards,
On behalf of OTP Trial Team

From: [REDACTED]
Sent: 15 July 2021 15:19
To: [REDACTED]; Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; [REDACTED]
Subject: RE: Yekatom Defence Documents to be submitted through P-2328

Dear Trial Chamber V,

The Defence for Mr Alfred Yekatom respectfully responds to the Prosecution's email opposing the formal submission of extracts of CAR-D30-0007-0205 (at 0615-0632), a published doctoral thesis of Louisa Nicolaysen Lombard of Duke University.

Contrary to the Prosecution submission, the tendered extracts of the document have sufficient *prima facie* reliability for formal submission.

First, the Prosecution appears to call into question the reliability of the Dissertation in implying that the document was merely 'submitted' and/or is otherwise incomplete. The foundation for this suggestion is unclear. The thesis has been published on Duke University's online library (see, <https://dukespace.lib.duke.edu/dspace/handle/10161/5861>); and according to the Duke University website, it is only after a thesis has been approved by Duke Graduate School that it becomes available through the Duke University online library (see, <https://gradschool.duke.edu/academics/theses-and-dissertations/etd-availability>). According to the document, Lombard received a PhD from Duke University in 2012 (see, CAR-D30-0007-0205, at 0670).

Moreover, the Prosecution fails to provide support for the suggestion that only expert reports, statements, or 'professional work of general provenance' can be submitted through a witness during cross-examination; likewise, for the suggestion that PhD Dissertations *per se* as a category cannot be formally submitted in this way. In this case, the relevance of the extracts is limited to the subsidiary issue of the credibility of the witness as opposed to a substantive, contested core issue in these proceedings.

Second, the Prosecution's reliance on extracts that purportedly comprise Lombard's 'personal opinion' is misplaced. There is no basis to assume that the specific propositions relied upon by the Defence – i.e. that only 2% of APRD combatants showed up for demobilisation carrying a gun; and that in the view of the UNDP DDR team, the APRD numbers had been artificially inflated (see, CAR-D30-0007-0205, at 0619, 0621; T050, RT Transcript, pp 44-45) comprise her personal opinion, as opposed to factual information collected through her doctoral research (see also, comments made by the Presiding Judge at T048, pp 87-88). In this regard, the Defence notes that the broader proposition from the document that the Defence put to the witness – i.e. that the APRD artificially inflated the number of its combatants in order to obtain undue benefit from the DDR process – is corroborated in a UN Report formally submitted by the Prosecution through its own witness, P-0287 (CAR-OTP-2023-0032, at 0368; see, T050, RT Transcript, p. 45; see also Chamber email of 14 June at 12.20).

In any event, opinion evidence of non-experts is not *per se* inadmissible and has been led by the Prosecution from non-expert witnesses in these proceedings (see e.g. T027, p. 28 line 24 to p. 29, line 7 regarding whether certain Muslim civilians were CAR citizens; or T027, p. 61, lines 9-15, regarding whether damage to a wall was caused by a bullet). As such, the Prosecution claim that the Defence seeks to 'circumvent expert qualification' by relying on extracts of the document is without merit.

Third, the Prosecution suggestion that the fact that the document pre-dates the purported completion of the DDR programme negatively impacts the reliability of the extracts of the document is without basis, in light of the nature of

the extracts relied upon. In any event, it is respectfully submitted that the Chamber can take the date of the document into consideration during its ultimate assessment of its probative value.

Lastly, the Defence opposes the Prosecution's alternative request that the 467-page document be submitted in its entirety. The Defence relied on the document for the purposes of two minor, self-contained factual propositions, as set out above. The tendered pages (0615-0632) comprise the specific DDR sub-chapter (7.4) of the dissertation, and it is submitted that the formal submission of these pages will provide sufficient context so as to allow the Chamber to assess the context and reliability of the extracts relied upon by the Defence and the evidence given in response by P-2328, without unduly cluttering the trial record.

Best regards,

[REDACTED]
Legal Assistant, Yekatom Defence

From: [REDACTED]
Sent: 13 July 2021 12:55
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team <[REDACTED]>; OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Tea [REDACTED]; V45 LRV Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; [REDACTED]
Subject: RE: Yekatom Defence Documents to be submitted through P-2328

Dear Trial Chamber V,

The Prosecution objects to the submission of pages 0615-0632 of CAR-D30-0007-0205, a 467-page paper written by Louisa Nicolaysen Lombard in 2012, titled "Raiding Sovereignty in Central African Borderlands" (document submitted at number 11 on the list of both Defences – see Yekatom Defence email, at 16:31 and Ngaissona Defence email, at 17:09).

Lombard's paper reflects the author's *opinion* on different CAR-related issues, relying on unsourced information and the views of third parties obtained under unknown circumstances. The requests to submit pages 0615-0632 of this paper therefore effectively circumvent the expert qualification necessary for Lombard's opinions to be submitted as evidence in the case.

First, although a doctoral dissertation submitted in "partial fulfilment of the requirements for the degree of Doctor of Philosophy (...)" (at 0205)", Lombard's paper does not substitute for an expert report or statement within the meaning of the Court's jurisprudence. Nor, is it presented as a professional work of general provenance, such as a journal or report.

Second, Lombard's paper expresses her personal opinions on different CAR-related issues, including on the DDR programme discussed at the submitted pages. For example, the author advances unsubstantiated conclusory remarks and statements, such as: "(...) given how hard it is to make change, it never would have been feasible to give an uneven sum like 21.000 anyway" (at 0619); "(...) it was unclear why anyone ever believed his claim to be leading a force of dispossessed rural youth. Nevertheless, he signed the Libreville Peace Agreement on the UFR's behalf, and so everyone went along with the story" (at 0621); or "the DDR is indeed a business, and to call it "the business of the state" is accurate (...)" (at 0628).

Third, the paper rarely quotes any precise sources and the views of third parties are received in unknown circumstances, without any indication of the dates, duration, or context of the interaction, such as: “*when the officials left, usually later the same day or the day after, the armed group members began complaining*” (at 0625), or “*the armed group members I spoke with around this time vowed that if DDR did not take place before the elections, they would revolt*” (at 0629).

Finally, the author’s views on the DDR programme is incomplete. For instance, the paper, submitted in 2012, does not refer to the purported completion of the DDR programme regarding the APRD that same year.

In the alternative, should the Chamber accept Lombard’s paper, the Prosecution requests its submission in its entirety, such that the Chamber can fully assess its context and value with respect to any given issue of relevance to the case.

Kind regards,

On behalf of OTP Trial Team

From: [REDACTED]
Sent: 12 July 2021 16:31
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team
Subject: Yekatom Defence Documents to be submitted through P-2328

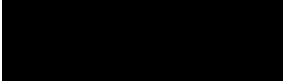
Dear Trial Chamber V,

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-2328 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	Pages submitted	Title	EVD - Date Used
1	CAR-OTP-2100-3494	p. 3618	Facebook Messenger Messages (Warrant Return)-16_01_2015 21_39_592	9 July 2021
2	CAR-OTP-2099-8825	pp. 8834-8835	Facebook Messenger Messages (Warrant Return)-21_11_2014 07_12_42	9 July 2021
3	CAR-OTP-2101-3413	Entire document	L'Hirondelle No 3304	9 July 2021

4	CAR-D29-0002-0013	Entire document	Forum de Bangui : un comité d'organisation dit de consensus sans J-J Demafouth	9 July 2021
5	CAR-D29-0002-0043	Entire document	L'opposant centrafricain Jean-Jacques Demafouth se dit menacé d'expulsion par le Tchad	9 July 2021
6	CAR-D29-0002-0042	Entire document	L'opposant centrafricain Demafouth expulsé du Tchad vers la Centrafrique	9 July 2021
7	CAR-D29-0001-0115	Entire document	Pieces C34, D38, D37 - Dossier contre LARMA-SOUM Jean Jacques	9 July 2021
8	CAR-D29-0001-0122	Entire document	Communique radio du 23 février 2015 - Piece A24 Dossier contre LARMA-SOUM Jean Jacques	9 July 2021
9	CAR-D29-0002-0048	Entire document	Le Drian à Bangui : « Personne n'acceptera la partition » de la Centrafrique	9 July 2021
10	CAR-OTP-2099-0232-R02	Entire document	Annexe 1 / CURRICULUM VITAE	9 July 2021
11	CAR-D30-0007-0205	pp. 0615-0632	Raiding Sovereignty in Central African Borderlands by Louisa Nicolaysen Lombard	9 July 2021

Kind regards,



Legal Assistant, Yekatom Defence

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From: [REDACTED]
Sent: 16 July 2021 15:50
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; [REDACTED]
Subject: RE: Yekatom Defence Documents to be submitted through P-2328

Dear Trial Chamber V,

The Prosecution notes the late reply of the Yekatom Defence (email of the Yekatom Defence, 15 July 2021, at 15:19) to our objection (email of the Prosecution, 13 July 2021, at 12:55), contrary to para. 63(iii) of the *Initial Directions on the conduct of the proceedings*.

Nevertheless, as concerns the substance of their position, Lombard's doctoral dissertation fails to attribute the sources of her information or references, and there is no presumption, much less any representation that her thesis is factually accurate. Thus, the items relied upon by the Yekatom Defence and cited in their email can only be read as her own assumptions and generalizations (i.e. that *only 2%* of APRD combatants showed up for demobilisation carrying a gun; and that in the view of the *UNDP DDR team*, the APRD numbers had been artificially inflated). This item is neither a journalistic product nor any other professional publication, and if submitted as an academic piece, her expertise should be established before introducing her opinion evidence, which further needs to fall within a clear area of expertise. The Defence is thus attempting to circumvent the Court's jurisprudence, that only experts are "*ordinarily afforded wide latitude to offer opinions within their expertise and their views need not be based upon first-hand knowledge or experience*" (See ICC-01/04-02/06-1159, at para. 9) decision which was cited to by the Chamber (ICC-01/04-02/06-1159 cited in ICC-01/14-01/18-881, para. 9, fn. 19).

Finally, that both Defences seek to use this item to advance unsubstantiated scandalous allegations regarding P-2328, as opposed to any substantive factual purpose, further substantiates the objection to the submission of the document in this manner.

Kind regards,

[REDACTED]
 OTP Case Manager

From: [REDACTED]
Sent: 15 July 2021 15:19
To: [REDACTED] Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; [REDACTED]
Subject: RE: Yekatom Defence Documents to be submitted through P-2328

Dear Trial Chamber V,

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Contrary to the Prosecution submission, the tendered extracts of the document have sufficient *prima facie* reliability for formal submission.

First, the Prosecution appears to call into question the reliability of the Dissertation in implying that the document was merely 'submitted' and/or is otherwise incomplete. The foundation for this suggestion is unclear. The thesis has been published on Duke University's online library (see, <https://dukespace.lib.duke.edu/dspace/handle/10161/5861>); and according to the Duke University website, it is only after a thesis has been approved by Duke Graduate School that it becomes available through the Duke University online library (see, <https://gradschool.duke.edu/academics/theses-and-dissertations/etd-availability>). According to the document, Lombard received a PhD from Duke University in 2012 (see, CAR-D30-0007-0205, at 0670).

Moreover, the Prosecution fails to provide support for the suggestion that only expert reports, statements, or 'professional work of general provenance' can be submitted through a witness during cross-examination; likewise, for the suggestion that PhD Dissertations *per se* as a category cannot be formally submitted in this way. In this case, the relevance of the extracts is limited to the subsidiary issue of the credibility of the witness as opposed to a substantive, contested core issue in these proceedings.

Second, the Prosecution's reliance on extracts that purportedly comprise Lombard's 'personal opinion' is misplaced. There is no basis to assume that the specific propositions relied upon by the Defence – i.e. that only 2% of APRD combatants showed up for demobilisation carrying a gun; and that in the view of the UNDP DDR team, the APRD numbers had been artificially inflated (see, CAR-D30-0007-0205, at 0619, 0621; T050, RT Transcript, pp 44-45) comprise her personal opinion, as opposed to factual information collected through her doctoral research (see also, comments made by the Presiding Judge at T048, pp 87-88). In this regard, the Defence notes that the broader proposition from the document that the Defence put to the witness – i.e. that the APRD artificially inflated the number of its combatants in order to obtain undue benefit from the DDR process – is corroborated in a UN Report formally submitted by the Prosecution through its own witness, P-0287 (CAR-OTP-2023-0032, at 0368; see, T050, RT Transcript, p. 45; see also Chamber email of 14 June at 12.20).

In any event, opinion evidence of non-experts is not *per se* inadmissible and has been led by the Prosecution from non-expert witnesses in these proceedings (see e.g. T027, p. 28 line 24 to p. 29, line 7 regarding whether certain Muslim civilians were CAR citizens; or T027, p. 61, lines 9-15, regarding whether damage to a wall was caused by a bullet). As such, the Prosecution claim that the Defence seeks to 'circumvent expert qualification' by relying on extracts of the document is without merit.

Third, the Prosecution suggestion that the fact that the document pre-dates the purported completion of the DDR programme negatively impacts the reliability of the extracts of the document is without basis, in light of the nature of the extracts relied upon. In any event, it is respectfully submitted that the Chamber can take the date of the document into consideration during its ultimate assessment of its probative value.

Lastly, the Defence opposes the Prosecution's alternative request that the 467-page document be submitted in its entirety. The Defence relied on the document for the purposes of two minor, self-contained factual propositions, as set out above. The tendered pages (0615-0632) comprise the specific DDR sub-chapter (7.4) of the dissertation, and it is submitted that the formal submission of these pages will provide sufficient context so as to allow the Chamber to assess the context and reliability of the extracts relied upon by the Defence and the evidence given in response by P-2328, without unduly cluttering the trial record.

Best regards,


Legal Assistant, Yekatom Defence

From: 

Sent: 13 July 2021 12:55

To: Trial Chamber V Communications 

Cc: D30 Ngaissona Defence Team < > OTP CAR IIB Case Management
 OTP CAR IIB Managers ; V44 LRV
Team OPCV  V44 LRV Team  V45 LRV Team

< [REDACTED] D29 Yekatom Defence Team [REDACTED]
[REDACTED]

Subject: RE: Yekatom Defence Documents to be submitted through P-2328

Dear Trial Chamber V,

The Prosecution objects to the submission of pages 0615-0632 of CAR-D30-0007-0205, a 467-page paper written by Louisa Nicolaysen Lombard in 2012, titled “Raiding Sovereignty in Central African Borderlands” (document submitted at number 11 on the list of both Defences – see Yekatom Defence email, at 16:31 and Ngaissona Defence email, at 17:09).

Lombard’s paper reflects the author’s *opinion* on different CAR-related issues, relying on unsourced information and the views of third parties obtained under unknown circumstances. The requests to submit pages 0615-0632 of this paper therefore effectively circumvent the expert qualification necessary for Lombard’s opinions to be submitted as evidence in the case.

First, although a doctoral dissertation submitted in “partial fulfilment of the requirements for the degree of Doctor of Philosophy (...)” (at 0205)”, Lombard’s paper does not substitute for an expert report or statement within the meaning of the Court’s jurisprudence. Nor, is it presented as a professional work of general provenance, such as a journal or report.

Second, Lombard’s paper expresses her personal opinions on different CAR-related issues, including on the DDR programme discussed at the submitted pages. For example, the author advances unsubstantiated conclusory remarks and statements, such as: “(...) given how hard it is to make change, it never would have been feasible to give an uneven sum like 21.000 anyway” (at 0619); “(...) it was unclear why anyone ever believed his claim to be leading a force of dispossessed rural youth. Nevertheless, he signed the Libreville Peace Agreement on the UFR’s behalf, and so everyone went along with the story” (at 0621); or “the DDR is indeed a business, and to call it “the business of the state” is accurate (...)” (at 0628).

Third, the paper rarely quotes any precise sources and the views of third parties are received in unknown circumstances, without any indication of the dates, duration, or context of the interaction, such as: “when the officials left, usually later the same day or the day after, the armed group members began complaining” (at 0625), or “the armed group members I spoke with around this time vowed that if DDR did not take place before the elections, they would revolt” (at 0629).

Finally, the author’s views on the DDR programme is incomplete. For instance, the paper, submitted in 2012, does not refer to the purported completion of the DDR programme regarding the APRD that same year.

In the alternative, should the Chamber accept Lombard’s paper, the Prosecution requests its submission in its entirety, such that the Chamber can fully assess its context and value with respect to any given issue of relevance to the case.

Kind regards,

On behalf of OTP Trial Team

From: [REDACTED]

Sent: 12 July 2021 16:31

To: Trial Chamber V Communications

Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV;

V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team

Subject: Yekatom Defence Documents to be submitted through P-2328

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-2328 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	Pages submitted	Title	EVD - Date Used
1	CAR-OTP-2100-3494	p. 3618	Facebook Messenger Messages (Warrant Return)-16_01_2015 21_39_592	9 July 2021
2	CAR-OTP-2099-8825	pp. 8834-8835	Facebook Messenger Messages (Warrant Return)-21_11_2014 07_12_42	9 July 2021
3	CAR-OTP-2101-3413	Entire document	L'Hirondelle No 3304	9 July 2021
4	CAR-D29-0002-0013	Entire document	Forum de Bangui : un comité d'organisation dit de consensus sans J-J Demafouth	9 July 2021
5	CAR-D29-0002-0043	Entire document	L'opposant centrafricain Jean-Jacques Demafouth se dit menacé d'expulsion par le Tchad	9 July 2021
6	CAR-D29-0002-0042	Entire document	L'opposant centrafricain Demafouth expulsé du Tchad vers la Centrafrique	9 July 2021
7	CAR-D29-0001-0115	Entire document	Pieces C34, D38, D37 - Dossier contre LARMA-SOUM Jean Jacques	9 July 2021

8	CAR-D29-0001-0122	Entire document	Communique radio du 23 février 2015 - Piece A24 Dossier contre LARMA-SOUM Jean Jacques	9 July 2021
9	CAR-D29-0002-0048	Entire document	Le Drian à Bangui : « Personne n'acceptera la partition » de la Centrafrique	9 July 2021
10	CAR-OTP-2099-0232-R02	Entire document	Annexe 1 / CURRICULUM VITAE	9 July 2021
11	CAR-D30-0007-0205	pp. 0615-0632	Raiding Sovereignty in Central African Borderlands by Louisa Nicolaysen Lombard	9 July 2021

Kind regards,



Legal Assistant, Yekatom Defence

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From: [REDACTED]
Sent: 16 July 2021 16:45
To: [REDACTED]; Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; [REDACTED]
Subject: RE: Yekatom Defence Documents to be submitted through P-2328

Dear Trial Chamber V,

The Yekatom Defence concedes the lateness of the reply and apologizes for the oversight.

Best regards,

[REDACTED]
 Legal Assistant, Yekatom Defence

From: [REDACTED]
Sent: 16 July 2021 15:50
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; [REDACTED]
Subject: RE: Yekatom Defence Documents to be submitted through P-2328

Dear Trial Chamber V,

The Prosecution notes the late reply of the Yekatom Defence (email of the Yekatom Defence, 15 July 2021, at 15:19) to our objection (email of the Prosecution, 13 July 2021, at 12:55), contrary to para. 63(iii) of the *Initial Directions on the conduct of the proceedings*.

Nevertheless, as concerns the substance of their position, Lombard's doctoral dissertation fails to attribute the sources of her information or references, and there is no presumption, much less any representation that her thesis is factually accurate. Thus, the items relied upon by the Yekatom Defence and cited in their email can only be read as her own assumptions and generalizations (i.e. that *only 2%* of APRD combatants showed up for demobilisation carrying a gun; and that in the view of the *UNDP DDR team*, the APRD numbers had been artificially inflated). This item is neither a journalistic product nor any other professional publication, and if submitted as an academic piece, her expertise should be established before introducing her opinion evidence, which further needs to fall within a clear area of expertise. The Defence is thus attempting to circumvent the Court's jurisprudence, that only experts are "*ordinarily afforded wide latitude to offer opinions within their expertise and their views need not be based upon first-hand knowledge or experience*" (See ICC-01/04-02/06-1159, at para. 9) decision which was cited to by the Chamber (ICC-01/04-02/06-1159 cited in ICC-01/14-01/18-881, para. 9, fn. 19).

Finally, that both Defences seek to use this item to advance unsubstantiated scandalous allegations regarding P-2328, as opposed to any substantive factual purpose, further substantiates the objection to the submission of the document in this manner.

Kind regards,

[REDACTED]
OTP Case Manager

From: [REDACTED]
Sent: 15 July 2021 15:19
To: [REDACTED]; Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; [REDACTED]
Subject: RE: Yekatom Defence Documents to be submitted through P-2328

Dear Trial Chamber V,

The Defence for Mr Alfred Yekatom respectfully responds to the Prosecution's email opposing the formal submission of extracts of CAR-D30-0007-0205 (at 0615-0632), a published doctoral thesis of Louisa Nicolaysen Lombard of Duke University.

Contrary to the Prosecution submission, the tendered extracts of the document have sufficient *prima facie* reliability for formal submission.

First, the Prosecution appears to call into question the reliability of the Dissertation in implying that the document was merely 'submitted' and/or is otherwise incomplete. The foundation for this suggestion is unclear. The thesis has been published on Duke University's online library (see, <https://dukespace.lib.duke.edu/dspace/handle/10161/5861>); and according to the Duke University website, it is only after a thesis has been approved by Duke Graduate School that it becomes available through the Duke University online library (see, <https://gradschool.duke.edu/academics/theses-and-dissertations/etd-availability>). According to the document, Lombard received a PhD from Duke University in 2012 (see, CAR-D30-0007-0205, at 0670).

Moreover, the Prosecution fails to provide support for the suggestion that only expert reports, statements, or 'professional work of general provenance' can be submitted through a witness during cross-examination; likewise, for the suggestion that PhD Dissertations *per se* as a category cannot be formally submitted in this way. In this case, the relevance of the extracts is limited to the subsidiary issue of the credibility of the witness as opposed to a substantive, contested core issue in these proceedings.

Second, the Prosecution's reliance on extracts that purportedly comprise Lombard's 'personal opinion' is misplaced. There is no basis to assume that the specific propositions relied upon by the Defence – i.e. that only 2% of APRD combatants showed up for demobilisation carrying a gun; and that in the view of the UNDP DDR team, the APRD numbers had been artificially inflated (see, CAR-D30-0007-0205, at 0619, 0621; T050, RT Transcript, pp 44-45) comprise her personal opinion, as opposed to factual information collected through her doctoral research (see also, comments made by the Presiding Judge at T048, pp 87-88). In this regard, the Defence notes that the broader proposition from the document that the Defence put to the witness – i.e. that the APRD artificially inflated the number of its combatants in order to obtain undue benefit from the DDR process – is corroborated in a UN Report formally submitted by the Prosecution through its own witness, P-0287 (CAR-OTP-2023-0032, at 0368; see, T050, RT Transcript, p. 45; see also Chamber email of 14 June at 12.20).

In any event, opinion evidence of non-experts is not *per se* inadmissible and has been led by the Prosecution from non-expert witnesses in these proceedings (see e.g. T027, p. 28 line 24 to p. 29, line 7 regarding whether

certain Muslim civilians were CAR citizens; or T027, p. 61, lines 9-15, regarding whether damage to a wall was caused by a bullet). As such, the Prosecution claim that the Defence seeks to ‘circumvent expert qualification’ by relying on extracts of the document is without merit.

Third, the Prosecution suggestion that the fact that the document pre-dates the purported completion of the DDR programme negatively impacts the reliability of the extracts of the document is without basis, in light of the nature of the extracts relied upon. In any event, it is respectfully submitted that the Chamber can take the date of the document into consideration during its ultimate assessment of its probative value.

Lastly, the Defence opposes the Prosecution’s alternative request that the 467-page document be submitted in its entirety. The Defence relied on the document for the purposes of two minor, self-contained factual propositions, as set out above. The tendered pages (0615-0632) comprise the specific DDR sub-chapter (7.4) of the dissertation, and it is submitted that the formal submission of these pages will provide sufficient context so as to allow the Chamber to assess the context and reliability of the extracts relied upon by the Defence and the evidence given in response by P-2328, without unduly cluttering the trial record.

Best regards,

[REDACTED]
Legal Assistant, Yekatom Defence

From: [REDACTED]
Sent: 13 July 2021 12:55
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED]
 [REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED] D29 Yekatom Defence Team [REDACTED]; [REDACTED]
Subject: RE: Yekatom Defence Documents to be submitted through P-2328

Dear Trial Chamber V,

The Prosecution objects to the submission of pages 0615-0632 of CAR-D30-0007-0205, a 467-page paper written by Louisa Nicolaysen Lombard in 2012, titled “Raiding Sovereignty in Central African Borderlands” (document submitted at number 11 on the list of both Defences – *see* Yekatom Defence email, at 16:31 and Ngaissona Defence email, at 17:09).

Lombard’s paper reflects the author’s *opinion* on different CAR-related issues, relying on unsourced information and the views of third parties obtained under unknown circumstances. The requests to submit pages 0615-0632 of this paper therefore effectively circumvent the expert qualification necessary for Lombard’s opinions to be submitted as evidence in the case.

First, although a doctoral dissertation submitted in “*partial fulfilment of the requirements for the degree of Doctor of Philosophy (...)*” (at 0205)”, Lombard’s paper does not substitute for an expert report or statement within the meaning of the Court’s jurisprudence. Nor, is it presented as a professional work of general provenance, such as a journal or report.

Second, Lombard’s paper expresses her personal opinions on different CAR-related issues, including on the DDR programme discussed at the submitted pages. For example, the author advances unsubstantiated conclusory remarks and statements, such as: “(...) *given how hard it is to make change, it never would have*

been feasible to give an uneven sum like 21.000 anyway” (at 0619); “(...) it was unclear why anyone ever believed his claim to be leading a force of dispossessed rural youth. Nevertheless, he signed the Libreville Peace Agreement on the UFR’s behalf, and so everyone went along with the story” (at 0621); or “the DDR is indeed a business, and to call it “the business of the state” is accurate (...)” (at 0628).

Third, the paper rarely quotes any precise sources and the views of third parties are received in unknown circumstances, without any indication of the dates, duration, or context of the interaction, such as: “when the officials left, usually later the same day or the day after, the armed group members began complaining” (at 0625), or “the armed group members I spoke with around this time vowed that if DDR did not take place before the elections, they would revolt” (at 0629).

Finally, the author’s views on the DDR programme is incomplete. For instance, the paper, submitted in 2012, does not refer to the purported completion of the DDR programme regarding the APRD that same year.

In the alternative, should the Chamber accept Lombard’s paper, the Prosecution requests its submission in its entirety, such that the Chamber can fully assess its context and value with respect to any given issue of relevance to the case.

Kind regards,

On behalf of OTP Trial Team

From: [REDACTED]
Sent: 12 July 2021 16:31
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team
Subject: Yekatom Defence Documents to be submitted through P-2328

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-2328 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	Pages submitted	Title	EVD - Date Used
1	CAR-OTP-2100-3494	p. 3618	Facebook Messenger Messages (Warrant Return)-16_01_2015 21_39_592	9 July 2021
2	CAR-OTP-2099-8825	pp. 8834-8835	Facebook Messenger Messages (Warrant Return)-21_11_2014 07_12_42	9 July 2021

3	CAR- OTP- 2101- 3413	Entire document	L'Hirondelle No 3304	9 July 2021
4	CAR- D29- 0002- 0013	Entire document	Forum de Bangui : un comité d'organisation dit de consensus sans J-J Demafoth	9 July 2021
5	CAR- D29- 0002- 0043	Entire document	L'opposant centrafricain Jean-Jacques Demafoth se dit menacé d'expulsion par le Tchad	9 July 2021
6	CAR- D29- 0002- 0042	Entire document	L'opposant centrafricain Demafoth expulsé du Tchad vers la Centrafrique	9 July 2021
7	CAR- D29- 0001- 0115	Entire document	Pieces C34, D38, D37 - Dossier contre LARMA- SOUM Jean Jacques	9 July 2021
8	CAR- D29- 0001- 0122	Entire document	Communique radio du 23 février 2015 - Piece A24 Dossier contre LARMA- SOUM Jean Jacques	9 July 2021
9	CAR- D29- 0002- 0048	Entire document	Le Drian à Bangui : « Personne n'acceptera la partition » de la Centrafrique	9 July 2021
10	CAR- OTP- 2099- 0232- R02	Entire document	Annexe 1 / CURRICULUM VITAE	9 July 2021
11	CAR- D30- 0007- 0205	pp. 0615-0632	Raiding Sovereignty in Central African Borderlands by Louisa Nicolaysen Lombard	9 July 2021

Kind regards,



Legal Assistant, Yekatom Defence

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From: [REDACTED]
Sent: 15 July 2021 14:16
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-2328

Dear Trial Chamber V,

The Defence for Mr Alfred Yekatom hereby responds to the Prosecution's list of documents to be submitted through Witness P-2328.

The Defence respectfully opposes the formal submission of the following documents:

Items listed at #1 (CAR-OTP-2001-1437) and #2/19 (CAR-OTP-2003-0019)

The Defence opposes the formal submission of the entirety of these documents, on the basis that they comprise lengthy documents of which only a select few pages were discussed with the witness (see, Chamber email of 2 July at 14.07). In this respect, and in the interests of judicial economy, the Defence adopts *mutatis mutandis* its submissions made in relation to lengthy Facebook Messenger conversations as set out in its email of 18 May at 20.25. The Defence also notes that, through its List of Documents to be used with P-2328 (see Prosecution email of 30 June at 15.59) the Prosecution indicated to the parties that only select portions of the documents would be used with the witness – specifically, pages 1498-1499 of Item #1 and pages 0453-0483 of Item #2/19.

Item #1 comprises a 123-page Amnesty International Report of which only two pages (see, T046, 47-48) were discussed with the witness. The Defence notes that the entirety of the relevant extract of the Report was read out to the witness and forms part of the trial record, further rendering the formal submission of the entire Report unnecessary.

Item #2/19 comprises a 563-page document purporting to be Francois Bozize's judicial casefile, of which only 13 pages (see, T046, pp 61-62; and T047, pp 26-28) were discussed with the witness. Those 13 pages purportedly relate to arrest warrants issued for Levy Yakete and Mr Ngaissona, and the remaining 550 pages of the case file are not necessary to understand their context, or to understand the witness's evidence regarding the warrants. Moreover, the wholesale admission through P-2328 of the lengthy judicial casefile of an individual who features so prominently in the Prosecution case is procedurally inappropriate.

Should the Prosecution wish to rely on these documents in their entirety, it should seek to establish their *prima facie* relevance and probative value through a bar table motion. Noting the Chamber's previous guidance on the possibility of formal submission of part(s) of a document (see Chamber email of 2 July at 14.07), the Defence would not oppose the formal submission of those pages to which the witness was taken during his testimony.

Item listed at #26 (CAR-OTP-2101-3615)

The Defence opposes the formal submission of the last page of this three-page document (CAR-OTP-2101-3615 at 3617), which appears to comprise a different document – specifically, a letter from the CAR Office of the UN OCHA to the UN OIM Representative – unrelated to the first two pages. The dates, addressee, and recipient differ, as does the subject matter; moreover, staple marks appearing on the first two pages do not appear on the last page, indicating

that the documents were not attached in hard copy and have been inadvertently digitally combined. The Defence further notes that the first two pages appear to have been previously disclosed under CAR-OTP-0080-0685, with the last page unattached. Nor was the witness taken to the last page of this Item during his evidence.

As such, basic foundation for the formal submission of this page through the witness has not been established; nor has its *prima facie* relevance. Nor can it be argued that the last page of Item #26 is required for the purposes of context, given that it is evidently unrelated to those pages to which the witness was taken during his evidence.

Best regards,

Legal Assistant, Yekatom Defence

From: [REDACTED]
Sent: 12 July 2021 18:19
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Operations [REDACTED] Associate Legal Officer-Court Officer [REDACTED]; [REDACTED]
Subject: OTP List of the documents to be submitted through P-2328

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-2328. The submitted documents were discussed with the witness during the course of his examination.

Count	Doc ID	WIT - Used Through	Type	EVD - Date	EVD - Participi Tender
1	CAR-OTP-2001-1437	CAR-OTP-P-2328	Report	05-Jul-21	
2	CAR-OTP-2003-0019	CAR-OTP-P-2328	Legal, Administration and Court document - non ICC	05-Jul-21	
3	CAR-OTP-2005-0371	CAR-OTP-P-2328	Legislation / government instruction / public guidelines	05-Jul-21	
4	CAR-OTP-2008-0754	CAR-OTP-P-2328	List / table	05-Jul-21	
5	CAR-OTP-2074-0411	CAR-OTP-P-2328	Media / press article	05-Jul-21	
6	CAR-OTP-2075-1289	CAR-OTP-P-2328	Administrative and travel related documents	05-Jul-21	
7	CAR-OTP-2099-0232-R02	CAR-OTP-P-2328	Personal data	05-Jul-21	
8	CAR-OTP-2100-1832	CAR-OTP-P-2328	Legislation / government instruction / public guidelines	05-Jul-21	
9	CAR-OTP-0080-0690	CAR-OTP-P-2328	Correspondence - Letter	06-Jul-21	
10	CAR-OTP-0080-0739	CAR-OTP-P-2328	Legal, Administration and Court document - non ICC	06-Jul-21	

11	CAR-OTP-0080-0802	CAR-OTP-P-2328	Report	06-Jul-21	
12	CAR-OTP-0080-0814	CAR-OTP-P-2328	Report	06-Jul-21	
13	CAR-OTP-0080-0818	CAR-OTP-P-2328	Report	06-Jul-21	
14	CAR-OTP-0080-0821	CAR-OTP-P-2328	Report	06-Jul-21	
15	CAR-OTP-0080-0838	CAR-OTP-P-2328	Map	06-Jul-21	
16	CAR-OTP-2001-4818	CAR-OTP-P-0801 CAR-OTP-P-2328	Media / press article	27-May-21 06-Jul-21	
17	CAR-OTP-2001-5642	CAR-OTP-P-2328	Report	06-Jul-21	
18	CAR-OTP-2002-0719	CAR-OTP-P-2328	Media / press article	06-Jul-21	
19	CAR-OTP-2003-0019	CAR-OTP-P-2328	Legal, Administration and Court document - non ICC	05-Jul-21 06-Jul-21	
20	CAR-OTP-2030-0270	CAR-OTP-P-2328	Correspondence - Letter	06-Jul-21	
21	CAR-OTP-2087-9025	CAR-OTP-P-2328	List / table	06-Jul-21	
22	CAR-OTP-2099-0247	CAR-OTP-P-2328	Report	06-Jul-21	
23	CAR-OTP-2099-0251	CAR-OTP-P-2328	Report	06-Jul-21	
24	CAR-OTP-2099-0255	CAR-OTP-P-2328	Report	06-Jul-21	
25	CAR-OTP-2100-1698	CAR-OTP-P-2328	Correspondence - Letter	06-Jul-21	
26	CAR-OTP-2101-3615	CAR-OTP-P-2328	Correspondence - Letter	06-Jul-21	
27	CAR-OTP-2030-0250	CAR-OTP-P-2328	DECLARATION	06-Jul-21	

Kind regards,


OTP Case Manager

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From: [REDACTED]
Sent: 12 July 2021 18:19
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-2328

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-2328. The submitted documents were discussed with the witness during the course of his examination.

Count	Doc ID	WIT - Used Through	Type	EVD - Date	EVD - Participating Tender
1	CAR-OTP-2001-1437	CAR-OTP-P-2328	Report	05-Jul-21	
2	CAR-OTP-2003-0019	CAR-OTP-P-2328	Legal, Administration and Court document - non ICC	05-Jul-21	
3	CAR-OTP-2005-0371	CAR-OTP-P-2328	Legislation / government instruction / public guidelines	05-Jul-21	
4	CAR-OTP-2008-0754	CAR-OTP-P-2328	List / table	05-Jul-21	
5	CAR-OTP-2074-0411	CAR-OTP-P-2328	Media / press article	05-Jul-21	
6	CAR-OTP-2075-1289	CAR-OTP-P-2328	Administrative and travel related documents	05-Jul-21	
7	CAR-OTP-2099-0232-R02	CAR-OTP-P-2328	Personal data	05-Jul-21	
8	CAR-OTP-2100-1832	CAR-OTP-P-2328	Legislation / government instruction / public guidelines	05-Jul-21	
9	CAR-OTP-0080-0690	CAR-OTP-P-2328	Correspondence - Letter	06-Jul-21	
10	CAR-OTP-0080-0739	CAR-OTP-P-2328	Legal, Administration and Court document - non ICC	06-Jul-21	
11	CAR-OTP-0080-0802	CAR-OTP-P-2328	Report	06-Jul-21	
12	CAR-OTP-0080-0814	CAR-OTP-P-2328	Report	06-Jul-21	
13	CAR-OTP-0080-0818	CAR-OTP-P-2328	Report	06-Jul-21	
14	CAR-OTP-0080-0821	CAR-OTP-P-2328	Report	06-Jul-21	
15	CAR-OTP-0080-0838	CAR-OTP-P-2328	Map	06-Jul-21	
16	CAR-OTP-2001-4818	CAR-OTP-P-0801 CAR-OTP-P-2328	Media / press article	27-May-21 06-Jul-21	
17	CAR-OTP-2001-5642	CAR-OTP-P-2328	Report	06-Jul-21	
18	CAR-OTP-2002-0719	CAR-OTP-P-2328	Media / press article	06-Jul-21	
19	CAR-OTP-2003-0019	CAR-OTP-P-2328	Legal, Administration and Court document - non ICC	05-Jul-21 06-Jul-21	
20	CAR-OTP-2030-0270	CAR-OTP-P-2328	Correspondence - Letter	06-Jul-21	
21	CAR-OTP-2087-9025	CAR-OTP-P-2328	List / table	06-Jul-21	
22	CAR-OTP-2099-0247	CAR-OTP-P-2328	Report	06-Jul-21	
23	CAR-OTP-2099-0251	CAR-OTP-P-2328	Report	06-Jul-21	
24	CAR-OTP-2099-0255	CAR-OTP-P-2328	Report	06-Jul-21	
25	CAR-OTP-2100-1698	CAR-OTP-P-2328	Correspondence - Letter	06-Jul-21	
26	CAR-OTP-2101-3615	CAR-OTP-P-2328	Correspondence - Letter	06-Jul-21	
27	CAR-OTP-2030-0250	CAR-OTP-P-2328	DECLARATION	06-Jul-21	

Kind regards,

From: [REDACTED]
Sent: 12 July 2021 17:09
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; D29 Yekatom Defence Team; OTP CAR IIB Managers; OTP CAR IIB Case Management; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Subject: Ngaissona Defence submission of evidence following the examination of P-2328

Dear Trial Chamber V,

Pursuant to paragraph 63(i) of the *Initial Directions of the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Defence of Mr. Ngaissona respectfully requests the submission of the following items used during P-2328's cross-examination:

Count	Doc ID	Title	EVD - Date Used	Request Submission	Pages Submitted
1	CAR-D30-0006-0028	64 ITW Kokaté 100113 FS	8-Jul-2021	Yes	Entire item
2	CAR-D30-0007-0022	Rebellions en Centrafrique: Le Procureur de la République sort enfin de ses réserves	8-Jul-2021	Yes	Entire item
3	CAR-D30-0007-0029	Republique centrafricaine: Déjà-vu des accords pour la paix au détriment des victimes	8-Jul-2021	Yes	Pages 0059-0067, 0073
4	CAR-D30-0007-0161	Jean-Jacques Demafouth Mafoutapa : La biographie	8-Jul-2021	Yes	Entire item
5	CAR-D30-0007-0187	Decision Cour Criminelle 009/2002	8-Jul-2021	Yes	Entire item
6	CAR-D30-0007-0201	Transcript of 64 ITW Kokaté 100113	8-Jul-2021	Yes	Entire item
7	CAR-D30-0007-0672	Casier judiciaire n350/CA BG/TGI BO/CJ.BO.21	8-Jul-2021	Yes	Entire item

8	CAR- OTP- 2001- 3936	Mapping conflict motives Central African Republic	8-Jul- 2021	Yes	Page 3969
9	CAR- D30- 0007- 0008	Le Citoyen 230210	7-Jul- 2021	Yes	Entire item
10	CAR- D30- 0007- 0014	Le Citoyen 250210	7-Jul- 2021	Yes	Entire item
11	CAR- D30- 0007- 0205	Raiding Sovereignty in Central African Borderlands by Louisa Nicolaysen Lombard	7-Jul- 2021	Yes	Pages 0615-0632
12	CAR- OTP- 2025- 0362	ANNEX E / PROJET DE CANTONNEMENT ET DE PRISE EN CHARGE D'URGENCE DES COMBATTANTS DU MOUVEMENT ANTIBALAKA / Première étape : Bangui	12-May- 2021 7-Jul- 2021	Yes	Entire item
13	CAR- OTP- 2025- 0396	Annex M / CONTRIBUTION DU MOUVEMENT DES PATRIOTES ANTIBALAKA POUR LA RESTAURATION DE LA PAIX ET DE LA SECURITE EN REPUBLIQUE CENTRAFRICAINE	7-Jul- 2021	Yes	Entire item
14	CAR- OTP- 2025- 0408	ANNEX O / Transmission du Document / No. ATB/14 / Contribution du Mouvement des Patriotes Antibalaka pour la restauration de la Paix et de la Sécurité en République Centrafricaine.	7-Jul- 2021	Yes	Entire item
15	CAR- OTP- 2042- 2641	Journal 210214 18H.mp3	7-Jul- 2021	Yes	Entire item
16	CAR- OTP- 2084- 0146	COMMUNIQUE DE PRESSE No. 4 / Lettre de Félicitation à l'endroit de Madame Catherine SAMBA PANZA, nouvelle Cheffe de l'Etat de la Transition de la République Centrafricaine	24-Mar- 2021 12-May- 2021 7-Jul- 2021	Yes	Entire item

17	CAR- OTP- 2110- 0145	ANNEX 28 / DECLARATION LIMINAIRE de la Conférence de Presse organisée par les Combattants Antibalaka, le 03 avril 2014	7-Jul-2021	Yes	Entire item
18	CAR- OTP- 2118- 5622	Traduction / Transcription de document audio / vidéo / Journal 210214 18H.mp3	7-Jul-2021	Yes	Entire item
19	CAR- OTP- 2126- 2772	Adaptation des modalités d'application des mesures de confiance / No. 159/SANGARIS/PCIAT/COMANFOR	7-Jul-2021	Yes	Entire item

Kind regards,


Case manager – Ngaïssona Defence

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