

ANNEX 32

PUBLIC

From: Trial Chamber V Communications
Sent: 04 April 2022 15:00
To: [REDACTED]; Trial Chamber V Communications
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; D29 Yekatom Defence Team; Chamber Decisions Communication
Subject: Chamber's direction in relation to the Ngaissona Defence's Response to ICC-01/14-01/18-1332-Conf

Dear Counsel,

The Single Judge notes that the Ngaissona Defence makes substantive submissions in response to a filing on the record (ICC-01/14-01/18-1332-Conf). In light of this, the Defence is instructed to formally file its response on the record.

Kind regards, TC V

From: [REDACTED]
Sent: 04 April 2022 14:22
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED] D30 Ngaissona Defence Team [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED] D29 Yekatom Defence Team [REDACTED]
Subject: Response to ICC-01/14-01/18-1332-Conf

Dear Trial Chamber V,

The Ngaissona Defence wishes to inform the Chamber that it defers to its discretion regarding the merits of the *"Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-1077 pursuant to Rule 68(3)"* (ICC-01/14-01/18-1332-Conf), dated 24 March 2022.

However, the Defence opposes the formal submission of the following documents as associated exhibits:

- CAR-OTP-2003-1654: this dossier, which comprises 255 pages, is a compilation of various separate intelligence reports, out of which only page 1736, which is a separate information bulletin from the Direction of Police Administration Services dated 12 November 2014, was shown to the witness. It is clear from the context of P-1077's transcript (CAR-OTP-2107-3554-R01, at 3560, lns 202-211) that the witness was not aware of being shown a dossier but was only told being shown a "bulletin announcement", "dated 12 November 2014", with "ERN number CAR-OTP-2003-1736" (which the Chamber will note is not the ERN number of the dossier but the relevant page within that dossier). The Chamber recalled on several occasions 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" (see Decision on Submitted Materials for P-2841, email from the Chamber on 2 July 2021, at 14:07; Decision on Submitted Materials for P-2328, email from the Chamber on 1 October 2021, at 12:28; Decision on Submitted Materials for P-0965, email from the Chamber on 21 February 2022, at 08:42). Given the nature of item CAR-OTP-2003-1654, the Defence is of the view that only page 1736 should be considered as an associated exhibit to P-1077's prior recorded testimony.
- CAR-OTP-2066-1601: this document is a 209 page Facebook record, from which only page 1656, which is a separate Anti-Balaka declaration dated 4 April 2014, was shown to the witness. Again, it is clear from the context of P-1077's transcript (CAR-OTP-2107-3584-R01, at 3594, lns 372-377) that the witness was not

aware of being shown a Facebook record but was only told being shown Anti-Balaka communiqués, among which a “communiqué de presse with an ERN number CAR-OTP-2066-1656” (see CAR-OTP-2107-3584-R01, at 3596, Ins 415-423). To the extent that this declaration exists as a standalone document under other ERN numbers (see for instance CAR-OTP-2066-2102), and in light of the nature and scope of Facebook records, the Defence submits that it would be more appropriate to introduce this Anti-Balaka declaration as exhibit to P-1077’s prior recorded testimony under a different ERN number.

Kind regards,

[REDACTED]

Legal Assistant - Ngaïssona Defence

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