

**ANNEX 1**  
**Public Redacted**  
**Annex**

**From:** Trial Chamber V Communications  
**Sent:** 29 November 2022 10:08  
**To:** OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer Chamber Decisions Communication; Trial Chamber V Communications  
**Cc:**  
**Subject:** Decision on Submitted Materials for P-2453  
**Attachments:** Ngaïssona Defence Submission of Evidence following P-2453's testimony

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the emails on the submission of evidence following the examination of P-2453 by the Ngaïssona Defence (*see attached* email from the Ngaïssona Defence, 27 June 2022, at 16:04), and the Prosecution (*see below* email from the Prosecution, 27 June 2022, at 17:38), as well as the Ngaïssona Defence's objections (*see below* email from the Ngaïssona Defence, 30 June 2022, at 13:11), and the Prosecution's response thereto (*see below* email from the Prosecution, 1 July 2022, at 17:30).

At the outset, the Chamber notes that items CAR-OTP-2001-1870, CAR-OTP-2075-1375, CAR-OTP-2081-0973, CAR-OTP-2122-9226 and CAR-OTP-2079-1158 have already been recognised, and therefore it need not rule on them again.

Moreover, the Chamber takes note of the Ngaïssona Defence's submissions concerning item CAR-OTP-2001-2308, in relation to which the Ngaïssona Defence argues that while it 'does not strictly speaking object to its submission [...], it would be prejudicial for the Trial Chamber to consider the extensive other content of item CAR-OTP-2001-2308 which was not discussed with the witness'. The Chamber notes that only page 2325 was shown to and discussed with the witness (*see transcript of hearing*, 23 June 2022, ICC-01/14-01/18-T-137-CONF-ENG, p. 24, line 6 to p. 25, line 3). The Chamber further notes that pages 2323-2325 have already been recognised as submitted in the context of P-2049, on the basis that 'these pages can be read and understood without requiring the item in its entirety for context [and thus considered it] warranted to depart from the general rule of submission of items as a whole' (*see email from the Chamber*, 23 August 2022, at 08:32). The Chamber therefore considers it appropriate not to recognise the entire item at this point, and recalls that it will assess the relevance, probative value and potential prejudice of the evidence as part of its holistic assessment in the context of its judgment deliberation.

In light of the above and in the absence of any procedural bars, the Chamber recognises as formally submitted the following items:

Doc ID	Title	Type
CAR-OTP-2135-2660	Les auteurs sont	List / table
CAR-OTP-2006-0129	8 / Plainte contre les forces de Seleka à Bossangoa	Complaint

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

Doc ID	Title	Type
CAR-OTP-2111-0415	WITNESS STATEMENT	ICC Statement - General
CAR-OTP-2118-2698	Traduction d'élément de preuve / WITNESS STATEMENT	ICC Statement - Translation - FRA

CAR-OTP-2135-3494	Traduction d'élément de preuve / DÉCLARATION DE TÉMOIN	ICC Witness Preparation Log / Clarification
CAR-OTP-2111-0438	Annex A	Photograph/s
CAR-OTP-2111-0439	CERTIFICAT DE TRAVAIL	Certificate

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

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**From:** [REDACTED]

**Sent:** 01 July 2022 17:30

**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]

[REDACTED] Associate Legal Officer-

Court Officer [REDACTED]  
[REDACTED]

**Subject:** RE: Prosecution Submission of evidence following the examination of P-2453

Dear Trial Chamber V,

Dear All,

The Prosecution maintains its request for the submission of document CAR-OTP-2001-2308 in its entirety, noting that the same Decision cited by the Defence (email from the Chamber, sent on 1 October 2021 at 12h28) recognised as formally submitted two voluminous items, namely a 123-page report from Amnesty International, and a 563-page document comprising the judicial case file of François BOZIZE, "in light of the nature of these items, and noting that relevant excerpts were shown to and commented upon by the witness during his testimony".

The same reasoning applies to item CAR-OTP-2001-2308. The Chamber will assess the standard evidentiary criteria (namely relevance, probative value, and potential prejudice) of the evidence contained in this item as part of its holistic assessment when deliberating its judgement pursuant to Article 74(2) of the Statute (ICC-01/14-01/18-631, para. 53). Thank you.

Kind regards,

On behalf of OTP Trial Team

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**From:** [REDACTED]

**Sent:** jeudi 30 juin 2022 13:11

**To:** [REDACTED]; Trial Chamber V Communications [REDACTED]  
[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]  
[REDACTED] Associate Legal Officer-  
Court Officer [REDACTED]  
[REDACTED]

**Subject:** RE: Prosecution Submission of evidence following the examination of P-2453

Dear Trial Chamber,

In accordance with paragraph 63(ii) of the Initial Directions on the Conduct of the Proceedings (ICC-01/14-01/18-631), I am writing on behalf of Counsel to respond to the below submission of materials.

Though the Defence does not strictly speaking object to its submission, the Defence notes for the record that it would be prejudicial for the Trial Chamber to consider the extensive other content of item CAR-OTP-2001-2308 which was not discussed with the witness. In its email 'Decision on submitted materials for P-2328' (1 October 2021 at 12h28), the Trial Chamber rejected the submission of a Facebook transcript where certain excerpts had been discussed in live testimony on the basis of the transcript's "nature and scope, compared to the extent to which they were used during P-2328's questioning".

Two pages of CAR-OTP-2001-2308 were raised with the witness and the witness had not heard about the events described therein (ICC-01/14-01/18-T-137-CONF-ENG, p. 24, l. 6 to p. 25, l. 3). This is despite the Presiding Judge prompting the witness with:

20 Mr Witness, when -- when you said [REDACTED]  
[REDACTED] people might have talked about what happened during other days.  
20 And also when there have been hundreds of houses destroyed, perhaps you have  
21 seen something afterwards.

Which the Witness dismissed noting "as to whether they killed people, set the village on fire, I'm not in a position to know." Since the witness could not even confirm such dramatic events, it would be prejudicial for the Trial Chamber to base its judgment upon material mentioned elsewhere in the other 139 pages without substantive argumentation being made by the Prosecution (i.e. as regards submission criteria) and the Defence being afforded the opportunity to make submissions on the Prosecution arguments.

Kind regards,

[REDACTED] on behalf of Counsel

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**From:** [REDACTED]  
**Sent:** 27 June 2022 17:38  
**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]  
[REDACTED] Associate Legal Officer-  
Court Officer [REDACTED]  
[REDACTED]  
**Subject:** Prosecution Submission of evidence following the examination of P-2453

Dear Trial Chamber V,

In accordance with paragraph 63(i) of *the Initial Directions on the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Prosecution requests that the following items be recognised as formally submitted:

- i. Documents discussed with the witness during the course of his examination by the Prosecution:

Count	Doc ID	WIT-Used through	Document Type	EVD - Date	EVD – Participant Tendering	Request Submission
1.	CAR-OTP-2079-1158	P-2453	Photograph	22/06/2022	OTP	Yes

- ii. 2 items submitted under Rule 68(3) at the start of P-2453’s testimony (ICC-01/14-01/18-1282-Conf, paras. 26-30; ICC-01/14-01/18-T-136 ENG ET, p. 75, l. 21-p. 76, l. 18):

Count	Doc ID	WIT-Used through	Document Type	EVD - Date	EVD – Participant Tendering	Request Submission
1.	CAR-OTP-2111-0415	Rule 68(3)	ICC Statement - General	22/06/2022	OTP	Yes
2.	CAR-OTP-2118-2698	Rule 68(3)	ICC Statement - Translation - FRA	22/06/2022	OTP	Yes
3.	CAR-OTP-2135-3494	Rule 68(3)	ICC Witness Preparation Log / Clarification	22/06/2022	OTP	Yes
4.	CAR-OTP-2111-0438	Rule 68(3)	Photograph/s	22/06/2022	OTP	Yes
5.	CAR-OTP-2111-0439	Rule 68(3)	Certificate	22/06/2022	OTP	Yes

- iii. The Prosecution also seeks to submit the following items used during the course of NGAISSONA’s cross-examination of witness P-2453, to the extent these items are not submitted by the NGAISSONA Defence:

Count	Doc ID	WIT-Used through	Document Type	EVD - Date	EVD – Participant Tendering	Request Submission
1.	CAR-OTP-2135-2660	P-2453	List / table	24/06/2022	D30	Yes
2.	CAR-OTP-2081-0973	P-2453	Audio / Video Material	24/06/2022	D30	Yes
3.	CAR-OTP-2122-9226	P-2453	Translation - FRA	24/06/2022	D30	Yes
4.	CAR-OTP-2075-1375	P-2453	Map	23/06/2022	D30	Yes
5.	CAR-OTP-2001-1870	P-2453	Report	23/06/2022	D30	Yes
6.	CAR-OTP-2001-2308	P-2453	Report	23/06/2022	D30	Yes

Kind regards,

On behalf of OTP Trial Team

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**From:** [REDACTED]  
**Sent:** 27 June 2022 16:04  
**To:** Trial Chamber V Communications  
**Cc:** D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; [REDACTED] Associate Legal Officer-Court Officer  
**Subject:** Ngaïssona Defence Submission of Evidence following P-2453's testimony

Dear Trial Chamber,

Pursuant to paragraph 63(i) of the *Initial Directions of the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Defence for Mr. Ngaïssona requests the submission of the following items used during P-2453's questioning by the non-calling party:

Count	Document ID	Title	Document Type	EVD - Date Used
1	CAR-OTP-2006-0129	8 / Plainte contre les forces de Seleka à Bossangoa	Complaint	24/06/2022
2	CAR-OTP-2135-2660	Les auteurs sont	List / table	24/06/2022

The below items have been previously submitted and a decision is pending or submission has been granted; however, the Defence notes their use with witness P-2453.

Count	Document ID	Title	Document Type	EVD - Date Used
1	CAR-OTP-2001-0391	Rapport de la Haut-Commissaire des Nations Unies aux droits de l'homme sur la situation des droits de l'homme en République centrafricaine	Report	24/06/2022
2	CAR-OTP-2074-0399		Media / press article	24/06/2022
3	CAR-OTP-2118-9140	CENTRAL AFRICAN REPUBLIC: Bossangoa Town	Map	23/06/2022
4	CAR-OTP-2075-1375	Ouham (32)	Map	23/06/2022
5	CAR-D30-0008-0092	Central African Republic where the state has disappeared and violence reigns - By Koert Lindijer	Media / press article	24/06/2022
6	CAR-OTP-2001-4118	Central African Republic Religious tinderbox	Media / press article	24/06/2022
7	CAR-OTP-2081-0973	1. jta_sujet_rca.mp4	Audio / Video Material	24/06/2022
8	CAR-OTP-2110-1015	Annex I / 33. 13.12.21 interview notes_Redacted.pdf / Notes of 21 December 2013, Bossangoa	Non ICC Statement (Note / Screening / Transcript)	24/06/2022
9	CAR-OTP-2112-1385	BAMBARI.4.3gp	Audio / Video Material	24/06/2022
10	CAR-OTP-2122-9226	Traduction / Transcription de document audio/vidéo / 1. jta_sujet_rca.mp4	Translation - FRA	24/06/2022
11	CAR-OTP-2127-7383	Traduction / Transcription de document audio/vidéo / Journal 081013S 18H00.mp3	Translation - FRA	24/06/2022
12	CAR-D30-0008-0090	Monthly Prayer Times in Bossangoa	Calendar / Diary	23/06/2022

13	CAR-OTP-2001-1870	I can still smell the Dead / The Forgotten Human Rights Crisis in the Central African Republic	Report	24/06/2022
14	CAR-OTP-2001-2308	CENTRAL AFRICAN REPUBLIC / Materials Published by Human Rights Watch since the March 2013 Seleka Group	Report	23/06/2022
15	CAR-OTP-2114-0543	Facebook Business Record	Report	23/06/2022

Kind regards,

██████████ on behalf of Counsel

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