

ANNEX 1
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Version

From: Trial Chamber V Communications
Sent: 21 March 2023 16:21
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona 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-1339
Attachments: Yekatom Defence submission of evidence following the examination of P-1339

Follow Up Flag: Follow up
Flag Status: Flagged

[ICC] RESTRICTED

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the emails on the submission of evidence following the examination of P-1339 by the Prosecution (*see email below*) and the Yekatom Defence (*see email attached*).

At the outset, the Chamber notes that items CAR-OTP-2065-0951, CAR-OTP-2122-2297, CAR-OTP-2065-0436, CAR-OTP-2065-3188, CAR-OTP-2107-1547, CAR-OTP-2065-3172, CAR-OTP-2065-3192, CAR-OTP-2041-0783, CAR-OTP-2041-0802, CAR-OTP-2041-0779, CAR-OTP-2118-4272, CAR-OTP-2001-8191, CAR-OTP-2107-1539, CAR-OTP-2118-4260, CAR-OTP-2118-5654 and CAR-OTP-2127-4547 have already been recognised, and therefore it need not rule on them again.

Further, the Chamber notes that items CAR-OTP-2065-0726, CAR-OTP-2065-1055, CAR-OTP-2065-3220 and CAR-OTP-2127-3668 were introduced into evidence as part of P-1819's prior recorded testimony subject to the fulfilment of the legal requirements of Rule 68(3) of the Rules (*see Decision ICC-01/14-01/18-1661-Conf-Corr*, para. 42, n. 58, p. 33; Annex A to the P-1819 Request, ICC-01/14-01/18-1414-Conf-AnxA). However, since P-1819 has not yet testified before the Court, the Rule 68(3) requirements have not yet been meet. Accordingly, the Chamber hereby recognises items CAR-OTP-2065-0726, CAR-OTP-2065-1055, CAR-OTP-2065-3220 and CAR-OTP-2127-3668 as formally submitted in relation to P-1339.

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

| Doc ID | Title | Type |
|-------------------|---|----------|
| CAR-OTP-2041-0765 | ANNEX B / Southern CAR | Map |
| CAR-OTP-2041-0768 | ANNEX E | Notebook |
| CAR-OTP-2041-0767 | ANNEX D / Boeing Market | Sketch |
| CAR-OTP-2118-9146 | REPUBLIQUE CENTRAFRICAINE - Bimbo / Carte de référence du | Map |

| Doc ID | Title | Type |
|-------------------|---|---|
| | Secteur Kokoro Boeing | |
| CAR-REG-0001-0008 | Annotated map | Court document - ICC |
| CAR-OTP-2065-0726 | AA015201.MXF | Audio / Video Material |
| CAR-OTP-2065-1055 | AA023401.MXF | Audio / Video Material |
| CAR-OTP-2041-0775 | ANNEX F / Yamwara school/anti-balka bases | Sketch |
| CAR-OTP-2065-3220 | AA008701.MXF | Audio / Video Material |
| CAR-OTP-2127-3668 | Traduction / Transcription de document audio/vidéo / AA008701.MXF | Translation - FRA |
| CAR-OTP-2041-0781 | ANNEX L / LISTE DES EX-ANTI- BALAKA | List / table |
| CAR-OTP-2041-0809 | ANNEX O / LISTE DES ELEMENTS ANTI-BALAKA | List / table |
| CAR-OTP-2041-0812 | ANNEX P / Liste des Éléments | List / table |
| CAR-OTP-2041-0814 | ANNEX Q / LISTE DES EX-ANTI- BALAKA | List / table |
| CAR-D29-0010-0005 | Photograph of BICHARA | Photograph/s |
| CAR-OTP-2065-1312 | | Audio / Video Material |
| CAR-OTP-2065-6210 | AA039401.MXF | Metadata |
| CAR-D29-0010-0052 | Screenshot of CAR-OTP-2065- 1316 | Photograph/s |
| CAR-D29-0003-0021 | Yekatom Defence Map 'Bangui Districts Destruction South of the Airport' | Satellite images and related reports |

| Doc ID | Title | Type |
|-------------------|--|--|
| CAR-D29-0007-0033 | ARY-2022-0220 Demande de coopération auprès du HCR | Correspondence - Letter |
| CAR-D29-0007-0035 | Lettre du HCR en réponse à une demande de coopération | Correspondence (letter) |
| CAR-OTP-2122-7725 | INVESTIGATION REPORT / Additional Information regarding CAR-OTP-P-1339 | ICC Investigation notes /report/correspondence |
| CAR-D29-0010-0050 | Photograph of 'Satan' | Photograph/s |
| CAR-D29-0010-0051 | Photograph of 'Satan' | Photograph/s |
| CAR-D29-0002-0134 | Screenshot of press article 'Real Madrid : la presse espagnole salue 'la dixième' victoire européenne' | Media / press article |
| CAR-D29-0002-0135 | Welt.de article dated 20 May 2014 | Media / press article |
| CAR-OTP-2135-4419 | Traduction / Transcription de document audio/vidéo / AA015201.MXF | Translation - FRA |

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: [REDACTED]
Sent: 15 September 2022 10:31
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]
Subject: Prosecution Submission of evidence following the examination of P-1339

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 submits the documents listed below relating to the testimony of witness P-1339. 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.

Please note that, as indicated below in the "Request Submission" column, several items used with P-1339 were already formally submitted in the case.

- (i) Documents discussed with P-1339 during the course of his examination and submitted by the Prosecution:

| Count | Doc ID | WIT - Used Through | Type | EVD - Date Used | Participant | Request Submission |
|-------|-------------------|--|------------------------|-----------------|-------------|----------------------------|
| 1 | CAR-OTP-2012-0523 | CAR-OTP-P-1339 CAR-OTP-P-1521 | Audio / Video Material | 11/30/2021 | OTP | Already formally submitted |
| | | | | 9/6/2022 | | |
| | | | | 9/7/2022 | | |
| | | | | 9/8/2022 | | |
| | | | | 9/12/2022 | | |
| | | | | 9/13/2022 | | |
| 2 | CAR-OTP-2014-0750 | CAR-OTP-P-0884 CAR-OTP-P-0888 CAR-OTP-P-1339 | Audio / Video Material | 7/19/2021 | OTP | Already formally submitted |
| | | | | 4/8/2022 | | |
| | | | | 9/6/2022 | | |
| | | | | | | |
| 3 | CAR-OTP-2030-0232 | CAR-OTP-P-0888 CAR-OTP-P-0889 CAR-OTP-P-0966 CAR-OTP-P-1193 CAR-OTP-P-1339 CAR-OTP-P-1521 | List / table | 12/2/2021 | OTP | Already formally submitted |
| | | | | 3/16/2022 | | |
| | | | | 4/4/2022 | | |
| | | | | 4/12/2022 | | |
| | | | | 5/4/2022 | | |
| | | | | 9/8/2022 | | |
| | | | | | | |
| 4 | CAR-OTP-2039-0063 | CAR-OTP-P-1193 CAR-OTP-P-1339 | List / table | 11/11/2021 | OTP | Already formally submitted |
| | | | | 4/28/2022 | | |
| | | | | 5/4/2022 | | |
| | | | | 9/1/2022 | | |
| | | | | 9/8/2022 | | |

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|----|---------------------------------------|--|------------------------------|---|-----|----------------------------------|
| | | CAR- OTP-P- 2232 | | 9/12/2022 | | |
| 5 | CAR- OTP- 2039- 0072 | CAR- OTP-P- 0888 CAR- OTP-P- 1193 CAR- OTP-P- 1339 | List / table | 4/8/2022 4/28/2022 9/2/2022 | OTP | Already formally submitted |
| 6 | CAR- OTP- 2041- 0765 | CAR- OTP-P- 1339 | Map | 9/1/2022 9/14/2022 | OTP | YES |
| 7 | CAR- OTP- 2041- 0767 | CAR- OTP-P- 1339 | Sketch | 9/6/2022 | OTP | YES |
| 8 | CAR- OTP- 2041- 0768 | CAR- OTP-P- 1339 | Notebook | 9/6/2022 9/13/2022 9/14/2022 | OTP | YES |
| 9 | CAR- OTP- 2041- 0775 | CAR- OTP-P- 1339 | Sketch | 9/7/2022 | OTP | YES |
| 10 | CAR- OTP- 2041- 0779- R03 | CAR- OTP-P- 1339 | List / table | 9/8/2022 | OTP | YES |
| 11 | CAR- OTP- 2041- 0781 | CAR- OTP-P- 1339 | List / table | 9/7/2022 | OTP | YES |
| 12 | CAR- OTP- 2041- 0783 | CAR- OTP-P- 0966 CAR- OTP-P- 1339 | List / table | 4/4/2022 9/7/2022 | OTP | YES |
| 13 | CAR- OTP- 2041- 0802 | CAR- OTP-P- 0966 CAR- OTP-P- 1339 | List / table | 4/4/2022 9/7/2022 | OTP | YES |
| 14 | CAR- OTP- 2041- 0809 | CAR- OTP-P- 1339 | List / table | 9/8/2022 | OTP | YES |
| 15 | CAR- OTP- 2041- 0812 | CAR- OTP-P- 1339 | List / table | 9/8/2022 | OTP | YES |
| 16 | CAR- OTP- 2041- 0814 | CAR- OTP-P- 1339 | List / table | 9/8/2022 | OTP | YES |
| 17 | CAR- OTP- 2065- 0436 | CAR- OTP-P- 0888 CAR- OTP-P- 1193 | Audio / Video Material | 4/8/2022 4/28/2022 5/4/2022 9/7/2022 | OTP | YES |

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|----|-------------------------------|--|------------------------------|---|-----|----------------------------------|
| | | CAR- OTP-P- 1339 | | | | |
| 18 | CAR- OTP- 2065- 0726 | CAR- OTP-P- 1339 | Audio / Video Material | 9/7/2022 | OTP | YES |
| 19 | CAR- OTP- 2065- 0951 | CAR- OTP-P- 1193 CAR- OTP-P- 1339 | Audio / Video Material | 4/28/2022 9/7/2022 9/12/2022 | OTP | YES |
| 20 | CAR- OTP- 2065- 1055 | CAR- OTP-P- 1339 | Audio / Video Material | 9/7/2022 | OTP | YES |
| 21 | CAR- OTP- 2065- 3172 | CAR- OTP-P- 1339 CAR- OTP-P- 2475 | Audio / Video Material | 5/24/2022 9/7/2022 | OTP | YES |
| 22 | CAR- OTP- 2065- 3188 | CAR- OTP-P- 1193 CAR- OTP-P- 1339 | Audio / Video Material | 4/28/2022 9/7/2022 | OTP | YES |
| 23 | CAR- OTP- 2065- 3192 | CAR- OTP-P- 1193 CAR- OTP-P- 1339 | Audio / Video Material | 4/28/2022 9/7/2022 | OTP | YES |
| 24 | CAR- OTP- 2065- 3220 | CAR- OTP-P- 1339 | Audio / Video Material | 9/7/2022 | OTP | YES |
| 25 | CAR- OTP- 2065- 3843 | CAR- OTP-P- 1339 CAR- OTP-P- 2475 | Audio / Video Material | 5/25/2022 9/7/2022 | OTP | Already formally submitted |
| 26 | CAR- OTP- 2065- 3897 | CAR- OTP-P- 1339 CAR- OTP-P- 2475 | Audio / Video Material | 5/25/2022 9/8/2022 | OTP | Already formally submitted |
| 27 | CAR- OTP- 2065- 4849 | CAR- OTP-P- 0888 CAR- OTP-P- 1339 | Audio / Video Material | 4/11/2022 9/8/2022 | OTP | Already formally submitted |
| 28 | CAR- OTP- 2094- 7618 | CAR- OTP-P- 0888 CAR- OTP-P- 1339 | Audio / Video Material | 4/11/2022 4/12/2022 5/25/2022 9/8/2022 | OTP | Already formally submitted |

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|----|-------------------------------|--|----------------------|---|-----|----------------------------------|
| | | CAR- OTP-P- 2475 | | | | |
| 29 | CAR- OTP- 2107- 1539 | CAR- OTP-P- 0888 CAR- OTP-P- 1193 CAR- OTP-P- 1339 | Transcript | 4/8/2022 4/28/2022 9/7/2022 | OTP | YES |
| 30 | CAR- OTP- 2107- 1547 | CAR- OTP-P- 1193 CAR- OTP-P- 1339 | Transcript | 4/28/2022 9/7/2022 | OTP | YES |
| 31 | CAR- OTP- 2107- 6891 | CAR- OTP-P- 0884 CAR- OTP-P- 1339 | Transcript | 7/19/2021 9/6/2022 | OTP | Already formally submitted |
| 32 | CAR- OTP- 2118- 4260 | CAR- OTP-P- 0888 CAR- OTP-P- 2475 | Translation - FRA | 4/11/2022 5/25/2022 | OTP | YES |
| 33 | CAR- OTP- 2118- 4272 | CAR- OTP-P- 0888 CAR- OTP-P- 1339 | Translation - ENG | 4/11/2022 9/8/2022 | OTP | YES |
| 34 | CAR- OTP- 2118- 5507 | CAR- OTP-P- 1339 | Transcript | 9/6/2022 9/8/2022 | OTP | Already formally submitted |
| 35 | CAR- OTP- 2118- 5654 | CAR- OTP-P- 1339 CAR- OTP-P- 2475 | Translation - FRA | 5/24/2022 9/7/2022 | OTP | YES |
| 36 | CAR- OTP- 2118- 5668 | CAR- OTP-P- 2475 | Translation - FRA | 5/25/2022 9/7/2022 | OTP | Already formally submitted |
| 37 | CAR- OTP- 2118- 9146 | CAR- OTP-P- 1339 | Map | 9/6/2022 9/13/2022 | OTP | YES |
| 38 | CAR- OTP- 2122- 2297 | CAR- OTP-P- 1193 CAR- OTP-P- 1339 | Translation - FRA | 4/28/2022 9/7/2022 | OTP | YES |
| 39 | CAR- OTP- 2127- 3668 | CAR- OTP-P- 1339 | Translation - FRA | 9/7/2022 | OTP | YES |

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|----|-------------------------------|------------------------|-------------------------------|-----------|-----|-----|
| 40 | CAR- OTP- 2127- 4547 | CAR- OTP-P- 1193 | Translation - FRA | 4/28/2022 | OTP | YES |
| | | CAR- OTP-P- 1339 | | 9/7/2022 | | |
| 41 | CAR- OTP- 2135- 4419 | CAR- OTP-P- 1339 | Translation - FRA | 9/7/2022 | OTP | YES |
| 42 | CAR- REG- 0001- 0008 | CAR- OTP-P- 1339 | Map annotated by P-1339 | 9/6/2022 | OTP | YES |
| | | | | 9/7/2022 | | |

Kind regards,
On behalf of OTP Trial Team

From: [REDACTED] >
Sent: 15 September 2022 12:00
To: Trial Chamber V Communications
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D30 Ngaissona Defence Team; Associate Legal Officer-Court Officer; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; D29 Yekatom Defence Team
Subject: Yekatom Defence submission of evidence following the examination of P-1339

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 Defence for Mr Yekatom respectfully seeks the formal submission of the following documents used during its examination of witness of witness P-1339.

| Count | Document ID | Title | Confidentiality Level | EVD - Date Used | WIT - Used Through | WIT - Used By | Document Type |
|-------|-------------------|--|-----------------------|---|----------------------------------|---------------|--------------------------------------|
| 1 | CAR-D29-0002-0134 | Screenshot of press article 'Real Madrid : la presse espagnole salue 'la dixième' victoire européenne' | Public | 9/14/2022 | CAR-OTP-P-1339 | D29 | Media / press article |
| 2 | CAR-D29-0002-0135 | Welt.de article Real Madrid | Public | 9/14/2022 | CAR-OTP-P-1339 | D29 | Media / press article |
| 3 | CAR-D29-0003-0021 | Yekatom Defence Map 'Bangui Districts Destruction South of the Airport' | Public | 9/9/2022 | CAR-OTP-P-1339 | D29 | Satellite images and related reports |
| 4 | CAR-D29-0007-0033 | ARY-2022-0220 Demande de coopération auprès du HCR | Confidential | Mentioned on 9/9/2022 (T-157 FRA 15:16:29) | | D29 | Correspondence - Letter |
| 5 | CAR-D29-0007-0035 | Lettre du HCR en réponse à une demande de coopération | Confidential | 9/9/2022 | CAR-OTP-P-1339 | D29 | Correspondence (letter) |
| 6 | CAR-D29-0010-0005 | Photograph of BICHARA | Confidential | 9/9/2022 | CAR-OTP-P-1339 | D29 | Photograph/s |
| 7 | CAR-D29-0010-0050 | Photograph of 'Satan' | Confidential | 9/13/2022 | CAR-OTP-P-1339 | D29 | Photograph/s |
| 8 | CAR-D29-0010-0051 | Photograph of 'Satan' | Confidential | 9/13/2022 | CAR-OTP-P-1339 | D29 | Photograph/s |
| 9 | CAR-D29-0010-0052 | Screenshot of CAR-OTP-2065-1316 | Public | 9/9/2022 9/13/2022 | CAR-OTP-P-1339 | D29 | Photograph/s |
| 10 | CAR-OTP-2001-8191 | DSCF4080.JPG | Confidential | 5/31/2022 9/12/2022 | CAR-OTP-P-1339 CAR-OTP-P-2475 | D29 | Photograph/s |
| 11 | CAR-OTP-2041-0765 | ANNEX B / Southern CAR | Confidential | 9/1/2022 9/14/2022 | CAR-OTP-P-1339 | D29 OTP | Map |
| 12 | CAR-OTP-2041-0768 | Annex E | Confidential | 9/6/2022 9/13/2022 9/14/2022 | CAR-OTP-P-1339 | D29 OTP | Notebook |
| 13 | CAR-OTP-2065-0436 | AA008001.MXF | Public | 4/8/2022 4/28/2022 5/4/2022 9/7/2022 | CAR-OTP-P-0888 CAR-OTP-P-1193 | D29 OTP | Audio / Video Material |

| | | | | | | | |
|----|-----------------------|---|--------------|-----------|----------------|-----|---|
| | | | | | CAR-OTP-P-1339 | | |
| 14 | CAR-OTP-2065-0951 | AA020801.MXF | Public | 4/28/2022 | CAR-OTP-P-1193 | D29 | Audio / Video Material |
| | | | | 9/7/2022 | | OTP | |
| | | | | 9/12/2022 | CAR-OTP-P-1339 | | |
| 15 | CAR-OTP-2065-1312 | AA039401.MXF | Public | 9/9/2022 | CAR-OTP-P-1339 | D29 | Audio / Video Material |
| | | | | 9/13/2022 | | | |
| 16 | CAR-OTP-2065-6210 | AA039401.MXF | Confidential | 9/9/2022 | CAR-OTP-P-1339 | D29 | Metadata |
| | | | | 9/13/2022 | | | |
| 17 | CAR-OTP-2118-9146 | REPUBLIQUE CENTRAFRICAINE - Bimbo / Carte de référence du Secteur Kokoro Boeing | Public | 9/6/2022 | CAR-OTP-P-1339 | D29 | Map |
| | | | | 9/13/2022 | | OTP | |
| 18 | CAR-OTP-2122-7725-R01 | INVESTIGATION REPORT / Additional Information regarding CAR-OTP-P-1339 | Confidential | 9/12/2022 | CAR-OTP-P-1339 | D29 | ICC Investigation notes / report / correspondence |

Kind regards,


Legal Consultant
Yekatom Defence

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