

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21

Date: 7 July 2024

TRIAL CHAMBER VI

Before:

**Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez**

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF

THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI

Public

Decision on the Defence's Requests in Respect of P-2573

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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Ms Jennifer Naouri
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Legal Representatives of Victims

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**Unrepresented Applicants
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Detention Section

**Victims Participation and
Reparations Section**

Other

Mr Marc Dessalliers (Rule 74 Counsel for P-2573)

TRIAL CHAMBER VI of the International Criminal Court, in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, having regard to articles 64(2), 67(1)(e), 68(1) of the Rome Statute (the ‘Statute’), issues this ‘Decision on the Defence’s Requests in Respect of P-2573’.

I. PROCEDURAL HISTORY

1. On 4 July 2024, the Defence submitted observations regarding the Office of the Prosecutor’s (the ‘Prosecution’s’) List of Materials for P-2573, noting that a number of items do not appear on the Prosecution’s List of Evidence and that it should therefore not be permitted to use them during its examination of P-2573 (the ‘First Request’).¹
2. On the same day, the Defence filed a further request in respect of alleged deficiencies with the Prosecution’s conduct during the witness preparation session for P-2573 (the ‘Second Request’).²
3. On the same day, the Chamber shortened the deadline for the Prosecution’s response to the Defences’ requests and ordered the Prosecution to make the video to P-2573’s witness preparation session available to the Chamber.³
4. On 5 July 2024, the Prosecution responded to the First and Second Requests (the ‘Response’).⁴
5. On the same day, the Prosecution filed a request to add CAR-OTP-2055-2610 and CAR-OTP-2118-0723 to its List of Evidence (the ‘Extension Request’)⁵

¹ Email from the Defence to the Chamber, dated 4 July 2024 at 09:42.

² Requête de la Défense afin de tirer les conséquences procédurales du non-respect par l’Accusation lors de la séance de préparation de P-2573 des instructions de la Chambre posées concernant la procédure de préparation des témoins dans le Protocole de préparation et dans la décision orale du 29 janvier 2024, 4 July 2024, ICC-01/14-01/21-796-Conf. A courtesy copy was transmitted on 4 July 2024 at 13:21.

³ Emails from the Chamber to the Parties, dated 4 July 2024, at 14:00 and 16:44 respectively.

⁴ Prosecution’s response to “Motion of the Defence to draw the procedural consequences of the Prosecution’s failure to comply with the Chamber’s instructions on the witness preparation procedure in the Preparation Protocol and in the oral decision of 29 January 2024 during the preparation session of P-2573.”, 5 July 2024, ICC-01/14-01/21-798-Conf.

⁵ Prosecution’s urgent application under regulation 35 for variation of time limits related to the introduction of videos, 5 July 2024, ICC-01/14-01/21-799.

6. On the same day, the Chamber ordered the Prosecution to disclose the video of P-2573's witness preparation session to the Defence.⁶
7. On 7 July 2024, the Defence responded to the Extension Request, requesting that it be rejected (the 'Response to the Extension Request').⁷
8. On the same day, the Defence made preliminary submissions on the video to P-2573's witness preparation session.⁸

II. SUBMISSIONS

A. First Request

9. In the First Request, the Defence submits that 24 items on the Prosecution's List of Material for P-2573 are not on the Prosecution's List of Evidence. Specifically, the Defence notes that 19⁹ of the 24 items were shown to the witness at the time of taking his statement in 2019, and therefore were in its possession well in advance of the deadline for the submission of its List of Evidence. In respect of the remaining 5 items¹⁰ the Defence notes that the Prosecution could have filed a request to add them to its List of Evidence but did not do so.

B. Second Request

10. In the Second Request, the Defence submits that the Prosecution has not abided by the rules in relation to witness preparation.¹¹ Specifically, the Defence submits that the Prosecution showed the witness a number of new exhibits.¹² In this regard, the

⁶ Email from the Chamber to the parties, dated 5 July 2024, at 17:37.

⁷ Réponse de la Défense à la « Prosecution's urgent application under regulation 35 for variation of time limits related to the introduction of videos » (ICC-01/14-01/21-799), 7 July 2024. A courtesy copy was transmitted to the Chamber via email on 7 July 2024 at 13:20.

⁸ Email from the Defence to the Chamber, dated 7 July 2024 at 15:34.

⁹ CAR-OTP-2054-1308; CAR-OTP-2112-1117; CAR-OTP-2069-2697; CAR-OTP-2069-2426; CAR-OTP-2069-2528; CAR-OTP-2069-2541; CAR-OTP-2069-2619; CAR-OTP-2069-2645; CAR-OTP-2069-2644; CAR-OTP-2069-3027; CAR-OTP-2069-0934; CAR-OTP-2069-1069; CAR-OTP-2069-1437; CAR-OTP-2069-1256; CAR-OTP-2069-2222; CAR-OTP-2014-0852; CAR-OTP-2001-7844; CAR-OTP-2043-0593; CAR-OTP-2054-1305.

¹⁰ CAR-OTP-00000571; CAR-OTP-00000235; CAR-OTP-2055-2610; CAR-OTP-00036286; CAR-OTP-00036287.

¹¹ Second Request, ICC-01/14-01/21-796-Conf, para. 5.

¹² Second Request, ICC-01/14-01/21-796-Conf, para. 6.

Defence avers that the witness preparation protocol provides that witness preparation should not be used for the purpose of seeking new evidence or continuing the calling party's investigations.¹³ Furthermore, the Defence makes reference to the Chamber's oral directions noting, *inter alia*, that 'if the calling party wishes to show or discuss new exhibits to the witness which the witness has not seen before, then the Chamber encourages the calling party to do so in the courtroom'.¹⁴ The Defence argues that by showing new exhibits it has continued its investigations during the preparation of P-2573.¹⁵

11. In respect of the specific exhibits themselves, the Defence makes reference to a number of exhibits, which in its view, should not have been shown to the witness during witness preparation.

12. First, in relation to CAR-OTP-2055-2610, the Defence submits that this item is not on the List of Evidence, that the witness has not seen it before, and the Prosecution used the preparation session to continue its investigations. Moreover, because the Prosecution showed the item to the witness during witness preparation, his testimony before the Court will no longer be spontaneous and honest.¹⁶

13. Second, in relation to CAR-OTP-00036286 and CAR-OTP-00036287, the Defence notes that these items relate to the identity of the witness and the Prosecution should have explored this issue during its examination of the witness in court, rather than in witness preparation, after requesting to have them added to the List of Evidence.¹⁷ In addition, the Defence notes that by addressing the subject of the witness's identity during witness preparation it draws the witness's attention to a contentious subject.¹⁸

14. Third, in relation to CAR-OTP-2115-0371, the Defence submits that this is a screening note concerning this witness, and the Prosecution appears to have warned him that he could be questioned on this during cross examination on contradictions that

¹³ Second Request, ICC-01/14-01/21-796-Conf, paras 10-11.

¹⁴ Second Request, ICC-01/14-01/21-796-Conf, para. 12.

¹⁵ Second Request, ICC-01/14-01/21-796-Conf, para. 13.

¹⁶ Second Request, ICC-01/14-01/21-796-Conf, paras 14-15.

¹⁷ Second Request, ICC-01/14-01/21-796-Conf, paras 16-18.

¹⁸ Second Request, ICC-01/14-01/21-796-Conf, paras 19-21.

exist between the screening note and his prior recorded testimony.¹⁹ The Defence submits that this goes beyond seeking clarifications on the witness's evidence but rather invites the witness to think in advance about how to respond to contradictions that may be raised against him.²⁰ The Defence avers that this practice aims at diffusing questions of credibility.²¹

15. Last, in respect of CAR-OTP-2017-0919 and CAR-OTP-2017-0921, the Defence notes that the witness had not previously seen these exhibits and should not have been shown them during witness preparation.²²

16. The Defence submits that, as a result of the above, the subsequent examination of the witness will be tainted by irregularities and prevents the obtaining of honest testimony.²³ Accordingly, the Defence requests the Chamber to draw the following procedural consequences:

- a. Prohibiting the Prosecution from addressing the court on subjects that are intended to undermine the cross-examination, including the content of the screening note (CAR-OTP-2115-0371) and using it with the witness during its examination;
- b. Prohibiting the Prosecution from using CAR-OTP-2055-2610 with the witness as it is a new item of evidence not on the List of Evidence;
- c. Regarding CAR-OTP-00036286 and CAR-OTP-00036287, which were provided by the witness, to take into account the irregularities of the witness preparation session in the assessment of P-2573's testimony; and

¹⁹ Second Request, ICC-01/14-01/21-796-Conf, paras 22-24.

²⁰ Second Request, ICC-01/14-01/21-796-Conf, paras 25-26.

²¹ Second Request, ICC-01/14-01/21-796-Conf, para. 27.

²² Second Request, ICC-01/14-01/21-796-Conf, paras 6, 32.

²³ Second Request, ICC-01/14-01/21-796-Conf, para. 31.

- d. Regarding CAR-OTP-2017-0919 and CAR-OTP-2017-0921, take into account the irregularities of the witness preparation session in the assessment of P-2573's testimony.²⁴

17. Last, the Defence requests that, as a result of the alleged irregularities set out above, the Chamber order disclosure of the video of P-2573's witness preparation session to the Defence.²⁵

C. Response

18. In the Response, the Prosecution submits that the Second Request 'seeks to reduce witness preparation to merely reading back the witness's statement, disregarding several paragraphs of the Protocol, particularly paragraph 24', which 'risks wasting court time' and 'defeats a fundamental purpose of preparation which is to assist the witness mentally prepare to give evidence on what are often traumatic events.'²⁶

19. With regard to the Chamber's oral direction regarding witness preparation, the Prosecution submits that this does not alter paragraph 24 of the witness preparation protocol which permits the calling party to ask a witness to comment on new documents for the purpose of ascertaining whether they can usefully comment on them during testimony.²⁷ The Prosecution submits that the preparation of P-2573 did not yield any new information and was conducted solely to assess and clarify the witness's evidence in order to facilitate focussed, efficient and effective questioning of the witness during the proceedings.²⁸

20. In respect of the Defence's submissions regarding specific items of evidence shown to the witness, the Prosecution makes a number of observations.

21. First, in relation to questions regarding his name, the Prosecution submits that the issue regarding the witness's name was not generated during the preparation but arose earlier and the witness himself provided CAR-OTP-00036286 and CAR-OTP-

²⁴ Second Request, ICC-01/14-01/21-796-Conf, para. 32.

²⁵ Second Request, ICC-01/14-01/21-796-Conf, paras 33-39.

²⁶ Response, ICC-01/14-01/21-798-Conf, para. 1.

²⁷ Response, ICC-01/14-01/21-798-Conf, para. 2.

²⁸ Response, ICC-01/14-01/21-798-Conf, para. 4.

00036287.²⁹ In this regard, the Prosecution submits that it was entitled to ask the witness about his name in accordance with paragraph 20 of the witness preparation protocol and it would be artificial not to enquire with the witness about his name during this process.³⁰

22. Second, in respect of CAR-OTP-2055-2610, the Prosecution notes that this item was disclosed to the Defence in June 2021 and was on the Defence's List of Evidence during the confirmation of charges.³¹ In addition, the Prosecution avers that paragraph 24 of the witness preparation protocol provides for the possibility of showing a witness material they have not seen before.³² In this regard, the Prosecution makes reference to the Chamber's oral directions noting that such directions do not instruct the calling party to ignore paragraph 24 nor does it propose that the calling party wastes court time by showing photographs to a witness who may not be able to comment on during examination in chief.³³ The Prosecution submits that, in any event, no new information was yielded by showing P-2573 still images from CAR-OTP-2055-2610.³⁴ In respect of the Defence's submission regarding the fact that CAR-OTP-2055-2610 is not on the Prosecution's List of Evidence, the Prosecution notes that this was an error and will urgently apply to have it included on the List of Evidence.³⁵

23. Last, the Prosecution rejects the Defence's submissions that paragraphs 21 to 22 of the witness preparation protocol be disregarded, noting that these provisions '[do] no more than allow parties to signpost to a witness topics that may be covered.'³⁶ In this regard, the Prosecution submits that these provisions serve a 'valuable purpose' and 'ensure that the witness has a clear understanding of what subjects will be addressed and assists a witness to focus their thoughts and recollections on relevant information.'³⁷ The Prosecution notes that 'informing a witness of topics they may be questioned about does not, therefore, cause unfairness or limit or impact a party's ability

²⁹ Response, ICC-01/14-01/21-798-Conf, paras 13-15.

³⁰ Response, ICC-01/14-01/21-798-Conf, paras 16-17

³¹ Response, ICC-01/14-01/21-798-Conf, para. 18.

³² Response, ICC-01/14-01/21-798-Conf, para. 19.

³³ Response, ICC-01/14-01/21-798-Conf, para. 21.

³⁴ Response, ICC-01/14-01/21-798-Conf, paras 23-24.

³⁵ Response, ICC-01/14-01/21-798-Conf, para. 8.

³⁶ Response, ICC-01/14-01/21-798-Conf, paras 28-29.

³⁷ Response, ICC-01/14-01/21-798-Conf, para. 30.

to question a witness’ but ‘[r]ather it assists a witness to provide testimony that is more coherent and structured during their examination.’³⁸

D. Extension Request

24. In the Extension Request, the Prosecution requests that the Chamber allow it to add CAR-OTP-2055-2610 and CAR-OTP-2118-0723 to its List of Evidence.³⁹ In support of this request, the Prosecution submits that it is in the interests of justice to add CAR-OTP-2055-2610 to the List of Evidence because it was disclosed to the Defence on 14 June 2021 and that the material is needed to assist witnesses to provide their testimony and to establish the truth under article 54 of the Statute.⁴⁰ The Prosecution notes that it was not included on its own List of Evidence due to an ‘oversight’.⁴¹

25. In addition, the Prosecution submits that the material sought to be added is relevant,⁴² and ‘visual footage of relevant locations greatly aids witnesses in providing accurate testimony’, noting that the requested footage is ‘essential for the Chamber and all parties in their pursuit of the truth.’⁴³

E. Response to the Extension Request

26. In the Response to the Extension Request, the Defence submits that the Extension Request should be rejected. The Defence submits that the Prosecution has not satisfied the requirements of regulation 35 of the Regulations of the Court, noting that: (i) CAR-OTP-2055-2610 has been in the possession of the Prosecution for many years; (ii) it was disclosed to the Defence on 14 June 2021; (iii) it chose not to use this video in its trial brief; and (iv) it chose not to put this item on its List of Evidence.⁴⁴

27. The Defence avers that this is not an ‘oversight’, as the Prosecution claims, but rather the result of the Prosecution continuing its investigations at this late stage.⁴⁵ In this regard, the Defence submits that the fact that the Prosecution has only just identified useful screenshots of CAR-OTP-2055-2610 shows that its analysis of the video is still

³⁸ Response, ICC-01/14-01/21-798-Conf, para. 31.

³⁹ Extension Request, ICC-01/14-01/21-799, paras 2-4.

⁴⁰ Extension Request, ICC-01/14-01/21-799, paras 9-10.

⁴¹ Extension Request, ICC-01/14-01/21-799, para. 10.

⁴² Extension Request, ICC-01/14-01/21-799, para. 11.

⁴³ Extension Request, ICC-01/14-01/21-799, para. 12.

⁴⁴ Response to the Extension Request, para. 14.

⁴⁵ Response to the Extension Request, para. 15.

ongoing.⁴⁶ In the same vein, the Defence notes that the fact that the Prosecution has identified a new video from the same source as CAR-OTP-2055-2610, which has never been disclosed to the Defence, confirms that investigations are still ongoing.⁴⁷ The Defence submits that the Prosecution's conduct in this manner is prejudicial and undermines the fairness of the proceedings because the Defence does not have sufficient time to investigate any new evidence and respond.⁴⁸

28. The Defence further avers that the Prosecution's argument that the Defence suffers no prejudice because it had placed CAR-OTP-2055-2610 on its List of Evidence for the confirmation proceedings is misplaced and undermines the rationale for the List of Evidence for trial, which is to inform the Defence of the evidence the Prosecution intends to use at trial.⁴⁹ In this regard, the Defence notes that it must be placed in a position to know which evidence the Prosecution intends to use so it can investigate, prepare its examination of witnesses sufficiently in advance, and have adequate time and facilities necessary to build its defence.⁵⁰

29. In respect of CAR-OTP-2118-0723, as indicated above, the Defence submits it has not yet received formal disclosure of this item and it was not aware of its existence until now.⁵¹

III. APPLICABLE LAW

30. The Chamber notes that the witness preparation process is regulated by the witness preparation protocol and certain oral directions given by the Chamber.

31. The witness preparation protocol provides, *inter alia*:

2. Witness preparation should not be conducted for the purpose of seeking new evidence or continuing the calling party's investigations.⁵²

⁴⁶ Response to the Extension Request, para. 17.

⁴⁷ Response to the Extension Request, para. 18.

⁴⁸ Response to the Extension Request, paras 19-20.

⁴⁹ Response to the Extension Request, paras 24-25.

⁵⁰ Response to the Extension Request, para. 25. *See also* para. 19.

⁵¹ Response to the Extension Request, paras 11, 18.

⁵² Witness preparation protocol, [ICC-01/14-01/21-251-AnxA](#), para. 2.

[...]

During preparation sessions, the questioning lawyer may:

20. Review the statements together with the witness and question the witness on inconsistencies in his or her prior statements.⁵³

21. Explain, in general terms, the topics that the calling party intends to cover in examination-in-chief.⁵⁴

22. Explain, in general and neutral terms, that the witness may be questioned by counsel of the non-calling party on certain matters in his or her statement.⁵⁵

[...]

24. Show the witness potential exhibits, regardless of whether or not the witness has previously seen them, and ask him or her to comment on them for the purpose of ascertaining whether the witness can usefully comment on them during testimony.⁵⁶

32. In addition, the Chamber has given further oral directions regarding the witness preparation process:

[T]he Chamber stresses that witness preparation should be focussed on checking whether there are any corrections or clarifications to the witness's prior recorded testimony and not to be conducted for the purpose of seeking new evidence or continuing the calling party's investigations. The calling party is expected to be vigilant in this respect and if, during the course of checking or clarifying the witness's evidence, the witness starts to give substantive new information, then the calling party should [cease] the line of questioning and conduct any necessary examination in the courtroom. In connection with the foregoing, if the calling party wishes to show or discuss new exhibits to the witness which the witness has not seen before, then the Chamber encourages the calling party to do so in the courtroom during the questioning of the witness.⁵⁷

33. In relation to the addition of items to the List of Evidence, the Chamber stated that:

⁵³ Witness preparation protocol, [ICC-01/14-01/21-251-AnxA](#), para. 20.

⁵⁴ Witness preparation protocol, [ICC-01/14-01/21-251-AnxA](#), para. 21.

⁵⁵ Witness preparation protocol, [ICC-01/14-01/21-251-AnxA](#), para. 22.

⁵⁶ Witness preparation protocol, [ICC-01/14-01/21-251-AnxA](#), para. 24.

⁵⁷ Transcript of hearing, 29 January 2024, ICC-01/14-01/21-T-048-Red2-ENG, p. 5, line 17 to p. 6, line 7.

Witnesses and evidence may be added to these lists after the deadline only with leave of the Chamber.⁵⁸

IV. ANALYSIS

34. In respect of CAR-OTP-2055-2610, CAR-OTP-00036286, CAR-OTP-00036287, CAR-OTP-2017-0919 and CAR-OTP-2017-0921, for the reasons that follow, the Chamber finds that there has been no violation of the rules surrounding witness preparation.

35. The Chamber notes that paragraph 24 of the witness preparation protocol allows the calling party to show the witness potential exhibits, regardless of whether or not the witness has previously seen them, and ask him or her to comment on them for the purpose of ascertaining whether the witness can usefully comment on them during testimony. This remains unaffected by the Chamber's oral directions of the 29 January 2024. In this regard, the Chamber notes that those directions were given in the context of rule 68(3) witness where the prior recorded testimony, and in certain circumstances any corrections in the annex to the witness preparation log, are introduced as part of the witness's evidence. The Chamber finds that the present case is different as P-2573 is a fully *viva voce* witness and his prior recorded testimony and the annex to the preparation log will not be introduced into evidence.

36. The Chamber further recalls that the aforementioned provisions of the witness preparation protocol are aimed at ensuring that the witness gives focussed and structured testimony and avoiding the wasting of court time by showing a witness exhibits which he or she cannot comment on.

37. Accordingly, in the present circumstances, the Chamber finds that it was permissible for the Prosecution to put new documents to the witness for the purpose of determining whether he could usefully comment on them, in line with paragraph 24 of the witness preparation protocol. Accordingly, the Chamber finds in respect of CAR-

⁵⁸ Decision Setting the Commencement Date of the Trial and Related Deadlines, 21 February 2022, [ICC-01/14-01/21-243](#), para. 26.

OTP-2055-2610, CAR-OTP-00036286, CAR-OTP-00036287, CAR-OTP-2017-0919 and CAR-OTP-2017-0921 there is no violation of the witness preparation protocol.

38. Turning to CAR-OTP-2115-0371, the Chamber notes from the annex to the witness preparation log that P-2573 was shown CAR-OTP-2115-0371, read parts relating to him ‘not joining the Seleka’ and ‘informed that he may be asked questions in court relating to this’.⁵⁹ As noted in its email decision of 5 July 2024 at 17:37, the Chamber has reviewed the video of P-2573’s witness preparation session and ordered its disclosure to the Defence.⁶⁰ The Chamber has taken note of the submissions of the Defence on the use of CAR-OTP-2115-0371 in its email dated 7 July 2024 at 15:34. The Defence is invited to make submissions orally before the start of P-2573’s testimony on this aspect of P-2573’s witness preparation, as well as any related issues raised in its email dated 7 July 2024 at 15:34, prior to the start of P-2573’s testimony. The Chamber will rule orally thereafter.

39. The Chamber will now turn to the Defence’s request in respect of items which are not on the Prosecution’s List of Evidence.

40. First, the Chamber notes that the Prosecution has not responded to the Defence’s request regarding the 19 items on the Prosecution’s List of Material, which were allegedly shown to the witness during his original interview with the Prosecution and are mentioned in his prior statement. The same applies to CAR-OTP-00000571 and CAR-OTP-00000235 (Tabs 50 and 51 on the Prosecution’s List of Materials). In the absence of a response from the Prosecution, the Chamber accordingly will not allow these items to be added to the List of Evidence and, as a result, the Prosecution is not allowed to use these items with P-2573 during its examination in chief.

41. In relation to CAR-OTP-00036286 and CAR-OTP-00036287, given that these items relate to the identity of the witness which needs to be properly established in court, the Chamber finds it necessary that these items be added to the List of Evidence.

⁵⁹ See Annex to Second Request, ICC-01/14-01/21-796-Conf-AnxA, p. 2

⁶⁰ Email from the Chamber to the parties, dated 5 July 2024, at 17:37.

Accordingly, the Chamber orders the Prosecution to add CAR-OTP-00036286 and CAR-OTP-00036287 to its List of Evidence.

42. Turning to CAR-OTP-2055-2610, the Chamber takes note of the Prosecution's submissions in support of its request to add this item and its related images to its List of Evidence and the Defence's response.⁶¹ Notwithstanding the fact that this item has been in the Prosecution's possession for a significant period of time, and was not added to its List of Evidence due to an 'oversight',⁶² on this occasion, the Chamber will allow it to be added to its List of Evidence. In this regard, the Chamber sees no prejudice to the Defence to have this item added at this stage given that it has been in the Defence's possession since the confirmation stage and indeed appeared on its own List of Evidence at the confirmation stage. Accordingly, the Chamber authorises the Prosecution to add CAR-OTP-2055-2610 and the extracted images to its List of Evidence.

43. In respect of CAR-OTP-2118-0723, the Chamber takes note of the fact that this item has not yet been formally disclosed to the Defence and the Defence was not aware of its existence until now.⁶³ In these circumstances, the Chamber finds that it would be prejudicial to the Defence to allow this item to be added to the List of Evidence at this stage. Accordingly, the Prosecution's request to add CAR-OTP-2118-0723 to its List of Evidence is rejected.

⁶¹ See Extension Request, ICC-01/14-01/21-799 and Response to Extension Request.

⁶² Extension Request, ICC-01/14-01/21-799, para. 10.

⁶³ See Response to the Extension Request, paras 11, 18.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the Second Request in part;

ORDERS the Defence to make oral submissions in line with paragraph 38 above;

GRANTS the First Request in part;

GRANTS the Extension Request in part;

AUTHORISES the Prosecution to add CAR-OTP-00036286, CAR-OTP-00036287 and CAR-OTP-2055-2610 to its List of Evidence; and

REJECTS the Prosecution's request to add CAR-OTP-2118-0723 to its List of Evidence.



Judge Miatta Maria Samba

Presiding Judge



Judge María del Socorro Flores Liera



Judge Sergio Gerardo Ugalde Godínez

Done in both English and French, the English version being authoritative.

Dated 7 July 2024

At The Hague, The Netherlands