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January 2020**

TRIAL CHAMBER X

Before: Judge Kimberly Prost, Single Judge

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF

***THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD***

Public

**Public redacted version of Response to ‘Confidential redacted version of
“Prosecution’s request for extension of time limits in the *Decision on the evidence
disclosure protocol and other related matters*”, 14 January 2020, ICC-01/12-01/18-552-
Conf-exp’**

Source: Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

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

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I. Introduction

1. The Prosecution's request to have more time to review and lift redactions ('the Request') is an unfair and unjustified attempt to re-litigate the core principle underpinning the trial date in this case, specifically, that unnecessary redactions need to be lifted, and disclosure needs to be implemented, as soon as possible in order to give effect to Mr. Al Hassan's right to a speedy trial.
2. No good cause has been shown, nor has the Prosecution addressed the prejudicial consequences, which would flow from further delays. The Request sets out no new issues or factors that have arisen since the Single Judge established the deadlines in question. Granting the delay will also render it impossible for the Defence to prepare in an effective manner before the commencement of the trial. At the same time, delaying the commencement of the trial is not an appropriate solution, since it would also prolong the detention of a highly vulnerable individual, who is presumed innocent. Alternatively, given that the reasons underpinning the Request are squarely attributable to a lack of diligence on the part of the Prosecution, any further delay should therefore trigger Mr. Al Hassan's right to be released, pursuant to Article 60(4) of the Statute.
3. Finally, compliance with the existing deadlines should also be without prejudice to the Prosecution's:
 - a. Obligation to implement disclosure on a 'rolling' basis; and
 - b. Ongoing obligation to search for and disclose Rule 77 and Article 67(2) materials, as soon as possible.

II. Classification

4. The current response has been filed on a confidential *ex parte* (Prosecution, Defence only) basis due to the fact that it refers to issue that were set out in filings and correspondence with a similar classification. The Defence will file a public redacted version by 4 pm, 20 January 2020.

III. Submissions

The Prosecution has not raised any 'new' or 'unforeseen' issues

5. Within the context of disclosure deadlines, the purpose of Regulation 35(2) is to allow the parties to seek a variation of the deadline if issues have arisen, which present good cause for varying the deadline in question. Regulation 35(3) should not, however, be exploited for the purpose of re-litigating issues, without satisfying the threshold for either interlocutory review or reconsideration.
6. After first foreshadowing its intention to schedule the commencement of the trial before the summer judicial recess, the Trial Chamber afforded the Prosecution with multiple opportunities to be heard in relation to the redaction review process, disclosure deadlines, and the date for the commencement of the trial. ICC case law has consistently found that disclosure needs to be completed at least three months in advance of the commencement of the trial. The Prosecution could and should have anticipated that the present deadlines were likely, at the time that it made these submissions.
7. But, apart from issues concerning witness management, the Prosecution raised no specific arguments as to why it would be unable to review redactions, and implement disclosure within the coming months. Its present Request also contains no clear or convincing arguments as to why it is unable to comply with the review deadlines established by the Single Judge.
8. The Prosecution – an impartial Minister of Justice – also does not have unfettered licence to change its positions or modify disclosure data and information in order to achieve a desired outcome. At the time that the Prosecution was advocating for the retention of the non-standard redaction category, the Prosecution assured the Chamber that it had only made limited use of B.5 redactions during the pre-confirmation phase.¹ The Prosecution has now claimed that non-standard redactions were actually implemented under Code ‘F’ (a code which was not included in the Pre-Trial Chamber’s redaction protocol),² and that this extends to 264 documents, and 24, 099 redaction boxes.³
9. Despite claiming that the volume of B.5 redactions was extremely limited, the Prosecution has also now averred that it would be time consuming for it to file requests to maintain such

¹ “In terms of volume, this situation is very limited because if my calculations are exact, there are only six documents for which we used category B.5, and in relation to the 15 20,000 documents disclosed, this is really insignificant.” ICC-01/12-01/18-T-008, p. 23, lines 13-15.

² ICC-01/12-01/18-31. The Defence has attempted to obtain clarification as to the legal basis for this code, but has yet to receive a comprehensible answer: see Annex B.

³ Request, para. 19.

redactions⁴ (if indeed any need to be maintained in relation to the six documents in question). Litigation strategy is not an appropriate basis for invoking Regulation 35(2) and deferring crucial deadlines, and the submission of inconsistent information should be deprecated, not condoned.

The reasons set out in the Request fail to constitute 'good cause'

10. Since full disclosure is the rule, with any redactions being the exception, the Prosecution's claims concerning its workload are perplexing. At this point in time, the Prosecution's focus should be on lifting all redactions that pertain to the identity of the witness, and reviewing the necessity and proportionality of any remaining redactions (which is an ongoing obligation throughout the process). Since the role of the Prosecution is to gather evidence which can be presented in court,⁵ the Prosecution has been aware from the very outset of this case that these tasks would need to be completed before the commencement of the trial. The Prosecution should, therefore, have organised its pre-trial preparation in such a manner that it would be positioned to execute these tasks rapidly, as soon as the charges were confirmed over three months ago.⁶
11. Reading between the lines, it would appear, instead, that:
 - The Prosecution implemented an excessive level of redactions at the pre-confirmation stage, and as a result, the case was not trial ready when the charges were confirmed; and
 - In anticipation of a much later trial date, the Prosecution has not taken any steps during the last three months to prepare this case for trial.
12. The reasons provided in support of the Request do not otherwise tally up.
13. As concerns Regulation 42 applications pertaining to the *Al Mahdi* case, the Prosecution could and should have submitted such applications as soon as Mr. Al Hassan was arrested

⁴ Request, para. 18.

⁵ ICC-01/04-01/06-1486, para. 41: It follows from article 54 (1) of the Statute that the investigatory activities of the Prosecutor must be directed towards the identification of evidence that can eventually be presented in open court, in order to establish the truth and to assess whether there is criminal responsibility under the Statute”.

⁶ ICC-02/05-03/09-501, para. 34: “More generally, the Appeals Chamber reminds the parties of their responsibilities to make the disclosure process practical and manageable”.

and transferred to the ICC.⁷ The link between the two cases has always been self-evident. The merits of the *Al Mahdi* case concluded in 2016, and lifting any redactions granted by that case would have been without prejudice to the ability of the Prosecution to implement redactions in accordance with the protocol in this case. It therefore beggars belief that the Prosecution did not simply request, at the outset of this case, to have all relevant protective measures in the *Al Mahdi* case lifted, subject to the proviso that the potential need for ongoing protective measures would be assessed by reference to the specific facts and circumstances of this case. In any case, the Prosecution confirmed that the redactions in question were authorised by the *Al Mahdi* Pre-Trial Chamber.⁸ Given that Pre-Trial Chamber I is no longer composed,⁹ it is also arguable that this Chamber has the competence to rule on variations to protective measures issued in that case.¹⁰ This would eliminate the need to submit specific applications to another Chamber.

14. In terms of the Prosecution's claim that it needs more time to notify affected witnesses, the notification and consent requirements in Regulation 42 do not apply as concerns the discharge of disclosure obligations to the Defence, on a confidential basis, in other cases.¹¹ Moreover, due to the simplified redaction protocol that applied in the *Al Mahdi* case, very few redactions would have been authorised judicially. The amount of information that is affected by judicially authorised protection measures in that case should therefore be quite small. The Prosecution had claimed as much during the December 2019 Status Conference,¹² and, as noted above, this Request is not an appropriate vehicle for now advancing an entirely different set out of statistics and estimates.

⁷ This would be consistent with the Appeals Chamber's directive in ICC-02/05-03/09-501, paras. 52-53, that the Prosecution should review the confidentiality levels of materials submitted in a non-active case, on an ongoing basis, in order to minimise disclosure disputes arising in related cases.

⁸ ICC-01/12-01/18-T-008-ENG, p. 28.

⁹ Judges Tarfusser and Aluoch are no longer at the ICC.

¹⁰ ICC-02/05-03/09-368, para. 7: "Pursuant to Regulation 42(3) of the Regulations, any application to vary a protective measure shall first be made to the Chamber which issued the order, in this case Pre-Trial Chamber I in Abu Garda, unless it is no longer seised of the proceedings in which the protective measure was ordered. As Pre-Trial Chamber I is no longer seised of the Abu Garda case, the Chamber can vary the protective measures ordered by Pre-Trial Chamber I in that case."

¹¹ ICC-01/05-01/08-3098-Red, para. 14.

¹² "Now with regard to the redacted measures imposed in the *Al Mahdi* case with a view to, on the analysis of the Prosecution witnesses, if my memory serves me correctly, there was only Witness 431 and maybe 151 for whom the 42 standard applies. Now the other witnesses for whom there were redactions was under Rule 77. Now, this is a very limited number of witnesses that we are talking about here. Now as for Witness 151, the 42 standard was not with regard to the identity, but something to do with his statement that the Chamber had said should not be disclosed. Now, as for Trial Chamber VIII, the volume of work is relatively limited and restricted": ICC-01/12-01/18-T-008, p. 32, lines 3-11.

15. With respect to Rule 81(3), individuals interviewed by the Prosecution should have been informed at the very outset that their name would be provided to Mr. Al Hassan and the Defence before the commencement of the trial, and the Prosecution should have explained and discussed any potential risks from the outset of the process. If this process did not occur because the Prosecution did not view them as witnesses at the time in question, then this aspect of the Request should be viewed as yet another statement of the Prosecution's intent to conduct post-confirmation incriminatory investigations. The Prosecution cannot rely on post-confirmation incriminatory investigations as a valid basis for delaying key tasks, which are necessary to ensure a fair and expeditious trial.
16. Rule 81(3) also references the role of 'the Court' in informing witnesses in advance as concerns any disclosure which might impact on witness safety: the rule does not, therefore, exclude the possibility that this role could be played by the Victims and Witnesses Unit.
17. In terms of the Prosecution's claims concerning the time taken to finalise and review Arabic translations, given the length of pre-confirmation proceedings in this case (18 months between Mr. Al Hassan's transfer and the confirmation of charges), the Prosecution has had more than enough time to finalise translations in this case, and to ensure that its team was composed in such a manner that it could fulfil its obligations as concerns this language. In any case, issues affecting Arabic translations do not explain and justify the Prosecution's attempt to have the deadline deferred for materials concerning all languages.
18. As concerns the Prosecution's obligation to specify which information is new, given that the Prosecution must lift the redaction in question, it is unclear as to why it would occasion any real burden to highlight the text at the same time.
19. Nor does the process envisaged by the Prosecution accurately reflect the reality of the review process. The Prosecution states it needs to manually review non-standard redactions in order to see whether other standard redactions should be implemented instead – however, the very fact that they are covered by the non-standard category necessarily implies that the standard categories were inapplicable. Further, the manual review of redactions is not a two or three step process as put forward by the Prosecution – the determination as to whether or not redactions need to be lifted or if another redaction code needs to be implemented for any single document will be conducted during the same review.

20. Finally, the ‘volume’ of materials (i.e. the number of redactions in this case) does not constitute good cause for delaying the disclosure process further. The cardinal principle of redactions is that their imposition must not compromise the defendant’s fair trial rights, including the right to a speedy trial. The Prosecution should have borne this principle in mind and organised its case accordingly.
21. The Prosecution averred during the confirmation process that it had disclosed all relevant documents on a range of issues.¹³ It is now clear that that was not the case. In this regard, far from bolstering its Request, the Prosecution’s reference to the recent disclosures concerning witness [REDACTED] only serves to underscore why the Request is unjustified. This disclosure batch included an investigator’s note, [REDACTED], which relates to [REDACTED].¹⁴ It is based on information which was received in [REDACTED]. In light of the date of the note, it would appear to have been prepared in relation to Defence disclosure requests that were submitted at that time. Given that the Prosecution claimed in its confirmation submissions that it had taken steps to ensure the disclosure of information concerning all [REDACTED] witnesses,¹⁵ it is a matter of concern that this information has only been disclosed now (that is, almost 6 months after the Prosecution made this claim).
22. This is but one example of the plethora of information that has been unnecessarily and unfairly withheld from the Defence during the pre-confirmation process. The ‘volume’ of redacted materials has already severely impeded effective Defence preparation which in and of itself militates in favour of moving the disclosure deadlines forwards not backwards, in order to recover time lost during the pre-confirmation phase.
23. Apart from the lack of any good cause to defer the existing deadlines, it is also worth noting that the Prosecution appears to have expended a significant amount of time and resources in investigating new, uncharged incidents and finding new witnesses, rather than focusing on making sure that the existing case would be trial ready as soon as possible. This is unacceptable. The Prosecution was afforded an extraordinary amount of time to file the charges in this case. The case – as filed in May 2019 – should have marked the culmination of its investigations, and the final crystallisation of the content of the case. Although the Prosecution had the possibility of making observations under Rule 122(3), the Prosecution

¹³ ICC-01/12-01/18-440-Secret-Exp-Red.

¹⁴ [redacted].

¹⁵ ICC-01/12-01/18-440-Secret-Exp-Red, para. 27.

never raised any problems concerning its ability to conclude its investigations, with a view to finalising the charges during this phase.¹⁶ And yet, recent disclosures appear geared towards the Prosecution's announced intention to add additional incidents, and the Defence still has no certainty as concerns the precise parameters of the case that it will face at trial.

24. Defence rights should not therefore be compromised as a result of the Prosecution's failure to heed the Appeals Chamber's directive that the Prosecution should aim to close its incriminating investigations, and make its cases trial ready before confirmation.¹⁷

Granting the Request would occasion a disproportionate degree of prejudice for the Defence

25. The requested extension of time would impede effective Defence investigations, and undermine Mr. Al Hassan's right to a speedy trial.
26. Given the volume of redacted material in this case, the Defence was not able to conduct effective investigations during the pre-confirmation phase. At this point, the Defence only has a very limited time to do so before the commencement of the trial. Whereas the Prosecution can pull resources from other teams in order to meet particular deadlines, the Defence team must review evidence, conduct investigations, submit disclosure requests, and prepare filings, with a very limited number of staff. In practice, this means that the Defence can only conduct a limited number of investigative missions, within the next months. It is therefore imperative that such missions are prepared and planned in an effective manner. This, in turn, means that the Defence must be able to familiarise itself with the contents of Prosecution evidence as soon as possible. Put simply, the Defence cannot investigate the credibility of Prosecution witnesses if it has yet to receive any information concerning their identity and background.
27. Of further concern, Ramadan is scheduled from 23 April until 23 May 2020, which means that Defence might not be able to conduct investigations in certain areas (or with certain witnesses) during these dates. The time frame for Defence investigations is thus very short, and necessarily focused on the earlier part of the year. The delays occasioned by the Request

¹⁶ See ICC-01/12-01/18-460-Conf-Exp-Red, para. 29, where the Single Judge emphasised that: "Du point de vue procédural, la procédure de confirmation des charges a notamment pour objectif de fixer les paramètres de l'affaire aux fins du procès, de façon à ce que les charges soient formulées clairement et ne présentent pas de vice de forme, ainsi que de régler d'éventuelles questions de procédure, de façon à éviter qu'elles entachent le procès."

¹⁷ ICC-01/04-01/10-514, para. 44.

would, however, mean that the Defence will not receive key information until after it is too late to incorporate into Defence investigations.

28. The requested delays would disturb the delicate and necessary balance between the right of the Defence to have adequate time, and timely disclosure, to investigate this case, and Mr. Al Hassan's right to a speedy trial. If disclosure is further delayed, the Defence will not have sufficient time to complete its preparation before the current date scheduled for trial. But, the consequences of delay cannot be minimised or disregarded in the context of a case concerning a defendant, who has been detained since April 2017. Lack of resources cannot also be relied upon to justify potential violations of either the right to a speedy trial, or the right to be protected against lengthy detention.¹⁸ The Prosecution is well-aware of the need for special diligence and celerity in this case, due to the physical and psychological trauma endured by Mr. Al Hassan, and the ongoing effects he has suffered whilst detained at the ICC.¹⁹

29. Given that the reasons underpinning the Request are squarely attributable to a lack of diligence on the part of the Prosecution, any further delay should, in itself, trigger Mr. Al Hassan's right to be released, pursuant to Article 60(4) of the Statute.

The actual delays, which would result from the cumulative effect of the approaches set out in the Request, would be inconsistent with Mr. Al Hassan's right to a fair and expeditious trial

30. Although the Request formally concerns the deadlines for reviewing and reporting on redactions, the Prosecution has also signalled its intention to delay or suspend the disclosure of Rule 77 and exculpatory materials. At the same time, the Prosecution continues to define its disclosure obligations in an impermissibly narrow manner, with the result that the Defence either will not receive disclosure of certain materials, or will only do so, after engaging in litigation before the Chamber. The actual delay that will be triggered in these proceedings will therefore be far greater than the 35 and 21 days set out in the Request.

¹⁸ "The Appeals Chamber recalls that logistical considerations should not take priority over the trial chamber's duty to safeguard the fairness of the proceedings. In the same vein, the Appeals Chamber is of the view that organisational hurdles and lack of resources cannot reasonably justify the prolongation of proceedings that had already been significantly delayed" ICTR: *Prosecutor v. Nyiramasuhuko et al.*, [Appeals Judgment](#), para. 375. See also footnote 916, where the Appeals Chamber cites a range of case law and legal instruments in support of its conclusion that: "The Appeals Chamber notes that the United Nations Human Rights Committee, the African Commission on Human and People's Rights, and the ECtHR have held that it is for the contracting States to organise their legal systems in such a way that their courts can meet the requirement of a trial within a reasonable time."

¹⁹ See for example, ICC-01/12-01/18-343-Conf-Exp, paras. 28-31.

31. In the Request, the Prosecution confirms that apart from ‘urgent pressing tasks’, the Prosecution has assigned all staff on this case to the review process.²⁰ The Prosecution has further indicated that it is ‘prioritising’ the review of incriminating evidence and information concerning [REDACTED] witness,²¹ which amounts to a concession that it is de-prioritising the review of exculpatory information or information (other than [REDACTED] witnesses) which is relevant to Defence preparation. In line with its internal prioritisations, the Prosecution also informed the Defence that its written responses to Defence disclosure requests will be deferred, so that it can focus on its review.²² In practice, this means that the Defence will not know whether the Prosecution will disclose certain requested information until after the disclosure process is completed. This, in turn, will delay the ability of the Defence to seek judicial relief.
32. The lack of timely written confirmation as to what will and will not be disclosed is particularly problematic in light of ongoing instances, which demonstrate that the Prosecution is defining its disclosure obligations in an impermissibly narrow fashion. For example, the Defence has repeatedly requested the Prosecution to disclose any [REDACTED], if such [REDACTED], or their ability to provide informed [REDACTED].²³ During the pre-confirmation phase, the Prosecution justified the disclosure of investigator’s notes in lieu of the actual assessments, by way of a vague reference to a decision concerning protective measures at the pre-confirmation phase.²⁴ This justification does not, however, apply to the trial phase, particularly in circumstances where the defendant is aware of the identity of the witness and investigators, and the location of the interview. ICC case law has also affirmed that although security assessments do not constitute ‘statements’ and thus do not fall under Rule 76, the Prosecution must disclose them if they contain information falling under Rule 77 or Article 67(2).²⁵

²⁰ Request, para. 39.

²¹ Request, para. 40.

²² Annex D.

²³ Annex C.

²⁴ ICC-01/12-01/18-440-Secret-Exp-Red, fn. 62 referring to ICC-01/12-01/18-66-tENG.

²⁵ ICC- 02/04-01/15-1335, paras. 5-6: “As said by the Appeals Chamber and others, once it is established that a document is material to the preparation of the defence, pursuant to Rule 77 of the Rules, the disclosure obligation ‘extends to the entire document and not only to the “relevant” portions of information contained within such a document’. With this in mind, the Single Judge considers the Prosecution’s position in relation to the D-100 BSQ to be misconceived. The Prosecution states that it provided an extract of the D-100 BSQ containing ‘all disclosable matters contained therein’. Implicit in the Prosecution’s conduct is that it considers at least part of the D-100 BSQ to be material to the preparation of the defence within the meaning of Rule 77 of the Rules. But once the Prosecution makes this assessment, it must disclose the entirety of the D-100 BSQ and not merely its relevant extracts.”

33. The Single Judge also ordered the Prosecution to disclose all PEXO and Rule 77 materials concerning [REDACTED].²⁶ The Prosecution therefore had no discretion to disclose the note, in lieu of the actual PEXO and Rule 77 materials, without obtaining prior authorisation of the Single Judge. Given the purpose for which this information has been requested (that is, to examine the propriety of the interview process and the witness's mental and physical condition at the time of the interviews), it is completely inappropriate for the Prosecution to substitute its own account for that of the actual words of the witness in question. The Prosecution's insistence that it will only disclose investigators' notes, even if the underlying security assessment contains PEXO or Rule 77 materials (as is the case with [REDACTED]),²⁷ therefore suggests that its formal adherence to disclosure deadlines might not constitute full compliance in reality.
34. The above types of prioritisation and disclosure circumscriptions will generate additional litigation and further delays down the line. They will result in a completely unfair and lopsided disclosure process – where the Defence will be given only the elements which support the Prosecution, and none of the elements which are likely to undermine or contradict their case. At the same time, delays in disclosure will also mean that the Defence will not be put in a position to conduct effective investigations into the credibility and accuracy of incriminating evidence before the commencement of the trial.
35. The Prosecution also cannot rely on additional workload, which is attributable to the Prosecution's failure to disclose Rule 77 and PEXO materials concerning [REDACTED] witnesses at an earlier juncture, to justify delays or the suspension of its obligation to disclose Rule 77 and PEXO materials concerning the events of 2012-2013. At present, there are multiple outstanding disclosure requests that pertain to the events in 2012-2013, and the

At footnote 7, this decision cites to: “Appeals Chamber, *The Prosecutor v. Thomas Lubanga Dyilo*, Decision on the Prosecutor's request for nondisclosure in relation to document “OTP/DRC/COD-190/JCCD-pt”, 27 May 2013, ICC-01/04-01/06-3031, A5 A6, para. 12. See also Trial Chamber VII, *The Prosecutor v. Jean-Pierre Bemba Gombo et al.*, Decision on Bemba Defence Request for Disclosure and Lifting of Redactions Related to Collection of Telecommunication Evidence, 17 February 2016, ICC-01/05-01/13-1632, para. 20; Trial Chamber V(A), *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, Decision on Response to Prosecution Application Regarding the Disclosure of the Identities of Certain Individuals Who Will Not Appear as Trial Witnesses, 28 August 2013, ICC-01/09-01/11-886, para. 8”.

See also ICC- 01/04-02/06-1330 paras. 28, 33.

²⁶ ICC-01/012-01/18-542-Conf-Red, para. 16.

²⁷ Annex D.

Prosecution has given the Defence no clear indication as to when it can expect to receive either a written response to its requests or the disclosure of the requested materials.²⁸

36. As underscored by the Appeals Chamber, “considerations of expeditiousness are not explicitly found in rule 77 as a basis for restricting disclosure.”²⁹ It follows that the Prosecution must organise itself in such a manner that it can fulfil its obligation to disclose materials, which are relevant to Defence preparation, whilst also completing tasks that relate to the expeditious disclosure of incriminating materials. The Prosecution’s duty to search for, and disclose exculpatory materials is also of equal importance to its duty to do the same as concerns incriminating materials.³⁰ The Prosecution cannot now postpone or circumscribe its duty to respond to Defence disclosure requests for PEXO materials, simply because it has wasted valuable time conducting post-confirmation investigations into incriminating issues.
37. If the Prosecution is unable to balance its statutory obligations with Mr. Al Hassan’s right to receive disclosure promptly, and his right to a speedy trial, then the constituent elements of a fair trial will be missing from these proceedings. The solution is not to concede to the Prosecution’s request to conduct an unfair trial, but to stay the proceedings, and release Mr. Al Hassan.

IV. Relief Sought

38. For the reasons set out above, the Defence for Mr. Al Hassan requests the Honourable Single Judge to:
- i. Reject the request to defer the review deadlines established by the Single Judge;
 - ii. Affirm the Prosecution’s ongoing duty to comply fully with its investigative and disclosure obligations under Rule 77 and Article 67(2); and
 - iii. In the event of any further delays occasioned by the Prosecution’s failure to comply promptly with its disclosure obligations, release Mr. Al Hassan, pursuant to Article 60(4) of the Statute.

²⁸ Annex A.

²⁹ ICC-02/05-03/09-501, para. 37.

³⁰ ICC-01/04-01/07-2288, para. 75.



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Dated this 17th Day of January 2020
At The Hague, The Netherlands