

Annex 19

Public

From: Trial Chamber X Communications
Sent: 25 January 2021 15:50
To: [REDACTED] Al Hassan Prosecution Team; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team
Cc: Chamber Decisions Communication; Trial Chamber X Communications
Subject: Decision on Prosecution's Request for an Extension of Time Limit (filing 1257)

Dear counsel,
 Dear colleagues,

The Single Judge notes that Prosecution request for an extension of time limit to file its updated Trial Brief (filing 1257). The Single Judge also observes that in its response below the Defence does not object in principle to an extension of time limit. However, the Defence submits that the extension sought (from 29 January to 22 February) is disproportional. Thus, the Defence requests that an extension of time limit until 5 February is granted.

The Single Judge considers that there is good cause for extending this time limit due to the current Prosecution workload, together with the related issues affecting the Prosecution team, particularly the COVID-19 pandemic. However, the Single Judge also notes that trial hearings, originally scheduled to start on 18 January, have been adjourned until 8 February. The Single Judge thus considers that a limited extension of time is more appropriate.

Accordingly the Single Judge grants, pursuant to Regulation 35 of the Regulations of the Court, an extension of time limit until 8 February 2021.

Kind regards,

[REDACTED]
 (on behalf of the Single Judge to Trial Chamber X)

From: [REDACTED]
Sent: 25 January 2021 13:12
To: Trial Chamber X Communications ; Al Hassan Prosecution Team ; D28 Al Hassan Defence Team ; V43 Victims Al Hassan Team
Cc: Chamber Decisions Communication
Subject: RE: Shortening of deadline for responses to filing 1257-Conf

Dear Trial Chamber X,
 Dear Colleagues,

The Defence refers to the Prosecution's urgent request for an extension of time to submit its addendum to the Trial Brief (ICC-01/12-01/18-1257-Conf) ('Request') and the Single Judge's instruction to file any response to the Request by Monday, 25 January.

The Prosecution is currently required to file its addendum to the Trial Brief by **29 January 2021** (ICC-01/12-01/18-1211-Conf, para 87). By the Request, the Prosecution requests an extension of three and a half weeks to file its addendum to the Trial Brief on **22 February 2021** (Request, paras 1 and 3).

The Defence recognises that the Prosecution, like the Defence, is currently facing difficulties associated with (a) the overlapping and competing deadlines of the multiple lines of litigation and ongoing witness preparation in this case; and (b) the ongoing difficulties occasioned by the COVID-19 pandemic and associated Dutch government restrictions (Request, paras 5 and 9).

The Defence does not oppose the grant of an extension to the Prosecution to file its addendum to the Trial Brief, but submits that the requested extension is disproportionate, unjustified in the Request, and would cause prejudice to the Defence.

The Defence notes in particular that:

-)first*, the Chamber has adjourned proceedings from the original intended date of **18 January 2021** until **8 February 2021**, which time the Prosecution would otherwise have spent engaged in court duties and witness preparation but is now available to the Prosecution for preparation of the addendum;
-)second*, the Prosecution's only submissions concerning prejudice to the Defence state: 'The Prosecution submits that if the extension is granted it will not prejudice the Defence as it is limited to three weeks' (Request, para 10). This is not only incorrect as concerns the length of the extension of time sought (totalling some 24 days, or three and a half weeks), but fails to identify any lack of prejudice;
-)third*, the Trial Brief is an important document, which is integral to the Defence's understanding of the charges but is intended to be concise. This Chamber has therefore recognised in the past that the provision of the Trial Brief in a timely manner is to be prioritised (ICC-01/12-01/18-677, para 13); and
-)fourth*, Witness P-0654 will be testifying concerning [REDACTED] (ICC-01/12-01/18-740-Conf-AnxB, pg. 1175) commencing from **8 February 2021**. [REDACTED] is one of the individuals covered by the addendum (Request, para 11) and hence, it is essential that in order for the amendment to fulfil its object and purpose, that the Defence receive the addendum prior to the commencement of his testimony, so as not to be prejudiced by the extension of time.

The Defence respectfully requests that the Chamber grant an extension to the Prosecution until no later than **5 February 2021**.

Best regards,

[REDACTED] (on behalf of the Al Hassan Defence)

From: Trial Chamber X Communications [<mailto:TrialChamberXCommunications@icc-01-12-01-18-1558.org>] [REDACTED]
 Sent: 22 January 2021 13:31
 To: D28 Al Hassan Defence Team; V43 Victims Al Hassan Team; Al Hassan Prosecution Team
 Cc: Trial Chamber X Communications; Chamber Decisions Communication
 Subject: Shortening of deadline for responses to filing 1257-Conf

Dear counsel,
 Dear colleagues,

Pursuant to Regulation 34 of the Regulations of the Court, the Single Judge instructs that any response to the below request should be submitted by Monday, 25 January (this can be done via e-mail).

Kind regards,

[REDACTED]
 (on behalf of the Single Judge to Trial Chamber X)

From: Court Management-Court Records <judoc@icc-01-12-01-18-1558.org>

Sent: 22 January 2021 10:28

Subject: The Prosecutor v. Al Hassan: ICC-01/12-01/18-1257-Conf - Prosecution's urgent request for an extension of time to submit its addendum to the Trial Brief

<https://edms.icc.int/RMWebdrawer/Record/2749665>

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Le but de ce courriel est de vous informer que le document mentionné ci-dessous a été enregistré dans ICC-01/12-01/18.

Prosecution's urgent request for an extension of time to submit its addendum to the Trial Brief

Submitted by the Office of the Prosecutor / Déposé par le Bureau du Procureur

Reception Date/hour / Reçu le date/heure : 21/01/2021 18:43:54

Registration Date / Enregistré le : 22/01/2021

Notification Date / Notifié le : 22/01/2021

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