

Annex 55

Public

From: Trial Chamber X Communications
Sent: 10 March 2021 20:02
To: Al Hassan Prosecution Team; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team
Cc: Trial Chamber X Communications; Chamber Decisions Communication
Subject: Decision on requests for extensions of time limit for Article 69(7) motion

Dear counsel,

The Chamber notes the Prosecution's request for a one week extension of time to file its response to the Defence's Article 69(7) motion (ICC-01/12-01/18-1346-Conf) pursuant to Regulation 35 of the Regulations of the Court.

Having regard to the reasons invoked, the limited nature of the requested time extension, and noting that the request is unopposed by the Defence, the Chamber considers that good cause has been demonstrated and grants the request pursuant to Regulations 35 of the Regulations for an extension of time to submit the response to **Friday 26 March 2021**. The same extension is granted for any response from the LRVs.

Kind regards,

[REDACTED], on behalf of Trial Chamber X

From: Taylor, Melinda <mtaylor[REDACTED]>
Sent: 10 March 2021 12:11
To: Dutertre, Gilles <[REDACTED]>; Trial Chamber X Communications <TrialChamberXCommunications[REDACTED]>
Cc: D28 Al Hassan Defence Team <D28AlHassanDefenceTeam[REDACTED]>; V43 Victims Al Hassan Team <V43LRVTeam[REDACTED]>; [REDACTED] Martin Salgado, Elena [REDACTED] Luping, Dianne [REDACTED] Yamaguchi, Yayoi [REDACTED] Garcia, Lucio [REDACTED] Schoeters, Sandra [REDACTED]
Subject: RE: Requests for extensions of time limit for Article 69(7) motion

Dear Trial Chamber X,

The Defence does not oppose the requested extension.

Kind regards

Melinda Taylor, on behalf of the Al Hassan Defence

From: Dutertre, Gilles [REDACTED]
Sent: 10 March 2021 11:00
To: Trial Chamber X Communications
Cc: D28 Al Hassan Defence Team; V43 Victims Al Hassan Team [REDACTED]; Martin Salgado, Elena; Luping, Dianne; Yamaguchi, Yayoi; Garcia, Lucio; Schoeters, Sandra
Subject: Requests for extensions of time limit for Article 69(7) motion

Dear Trial Chamber X,

Pursuant to regulation 35(2) of the Regulations of the Court, the Prosecution respectfully requests an extension of seven days of the time limit within which to file its response to the Defence "Article 69(7) Application" (ICC-01/12-01/18-1346-Conf).

The current deadline for the Prosecution response is 19 March 2021. The Prosecution is requesting a discrete extension of this deadline of seven days, from Friday 19 March 2021 until Friday 26 March 2021. Out of these seven days, five are working days.

There is good cause to extend the deadline for three reasons.

First, the nature and scope of the Defence Article 69(7) Application, justify the requested extension.

While amounting to 20 pages, the Defence Article 69(7) Application contains 188 footnotes. These footnotes often comprise multiple references to a wide range of evidentiary material and/or domestic and international authorities. These references require careful review to address key legal and factual issues in response, given the significant issues to be considered by the Chamber in connection with this application.

The Article 69(7) Application also contains four annexes.

Notwithstanding these numerous references, any Prosecution response must be concise due to the standard page-limit, further requiring time to streamline its arguments.

Second, the Prosecution's workload also justifies granting the requested extension. The Prosecution is:

- engaged with examining four witnesses (P-0595, P-0636, P-0641 and P-1086) before 26 March;
- engaged with preparing for the examination of another witness before the end of March (P-0639);
- required to prepare and respond to various evidentiary items in connection with these witness testimonies resulting in multiple overlapping deadlines;
- engaged with preparing a rule 68 application concerning witness P-0570 by 1 April 2021;
- managing, scheduling and preparing the examination of further witnesses in the second half of April, as well as other witnesses whose examination is scheduled after April but requiring advance preparation;
- liaising with Registry to organise certified declarations for witnesses for whom the Chamber has granted Prosecution's rule 68(2)(b) applications.

Third, the extension is further justified because it would not prejudice the Defence.

The requested time extension is limited, representing five working days and the discrete nature of the requested extension must be assessed in the context of the amount of time the Defence has had to prepare its Article 69(7) Application. The Defence has had more than two months to prepare its Article 69(7) Application since the filing of the Prosecution's Request for Introduction of evidence preserved under article 56 (ICC-01/12-01/18-1218-Conf-Exp). By decision ICC-01/12-01/18-1160, the Prosecution was directed to file its Request for Introduction of the record of interview with the Accused and related material, as soon as possible and no later than 31 December 2020. The Defence was to file any motion based on Article 69(7) of the Statute in respect of the Request for Introduction *promptly* thereafter. The Prosecution filed its Request for Introduction on 18 December 2020. Rather than the article 69(7) application, on 21 January 2021, the Defence filed a Consolidated Defence Request (ICC-01/12-01/18-1256-Conf) concerning the relevant procedure.

The seven-day extension requested by the Prosecution is also proportionate when seen in light of the developments that followed. In the Chamber's 17 February 2021 decision (ICC-01/12-01/18-1304-Conf) on the Consolidated Defence Request, the Chamber directed the Defence to file its Article 69(7) application within two weeks of that decision. Subsequently, the Defence requested and was granted five additional days for filing the Article 69(7) Application (see Chamber's e-mail decision of 1 March 2021 at 11:06 on the Defence Requests for extensions of time and page limit for Article 69(7) motion).

Finally, if granted, the limited extension requested by the Prosecution would not unduly delay the proceedings.

Best regards

Gilles Dutertre

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