

Annex 61

Public

From: Trial Chamber X Communications
Sent: 15 March 2021 15:16
To: Al Hassan Prosecution Team; V43 Victims Al Hassan Team; D28 Al Hassan Defence Team (D28AlHassanDefenceTeam [REDACTED])
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber X Communications
Subject: RE: Decision on P-0641's testimony

Dear counsel,

The Single Judge grants the below request and authorises the Prosecution to contact P-0641.

Kind regards,

On behalf of the Single Judge of Trial Chamber X

From: Dutertre, Gilles <[REDACTED]>
Sent: 15 March 2021 15:07
To: Trial Chamber X Communications <[TrialChamberXCommunications](#) [REDACTED]>; Al Hassan Prosecution Team <[AlHassanProsecutionTeam](#) [REDACTED]>; V43 Victims Al Hassan Team <[V43LRVTeam](#) [REDACTED]>; D28 Al Hassan Defence Team (<[D28AlHassanDefenceTeam](#) [REDACTED]> <[D28AlHassanDefenceTeam](#) [REDACTED]>)
Cc: Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#) [REDACTED]>; Chamber Decisions Communication <[ChamberDecisionsCommunication](#) [REDACTED]>
Subject: RE: Decision on P-0641's testimony

Dear Trial Chamber X

It appears that P-0641 has had time to reconsider : in the most recent discussion, the witness informed VWS that as [REDACTED] he would prefer to [REDACTED] complete his testimony.

The Prosecution requests authorisation to speak directly to the witness to discuss with him whether he is really ready to proceed with his testimony.

Best regards,

Gilles Dutertre

From: Trial Chamber X Communications
Sent: 15 March 2021 14:27
To: Al Hassan Prosecution Team; V43 Victims Al Hassan Team; D28 Al Hassan Defence Team (<[D28AlHassanDefenceTeam](#) [REDACTED]>)
Cc: Trial Chamber X Communications; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Decision on P-0641's testimony

Dear counsel,
 Dear colleagues,

The Chamber takes note of the Prosecution's request for an additional two hours to examine P-0641 and subsequent email exchanges between the parties (Email from the Prosecution dated 12 March 2021 at 22:08; Email from the Defence dated 13 March 2021 at 11:21; and Email from the Prosecution dated 13 March 2021 at 17:38).

The Chamber also notes the Prosecution's email in which it seeks that his testimony be postponed due to his personal circumstances and, if rescheduled, requests authorisation to contact P-0641 in order to raise logistical and security issues (Email from the Prosecution dated 15 March 2021 at 11:59).

As regards the requested additional time to examine P-0641, the Chamber refers to summary provided by the Prosecution with respect of P-0641 ([REDACTED]) and observes that he is expected to testify on a wide array of issues, including several events which he reports to have personally witnessed. The Chamber also notes that the Prosecution intends to have P-0641 testify as to the content of many videos and finds that this, together with reliance on both video-link and consecutive interpretation, may warrant additional time to complete the examination-in-chief of P-0641.

The Chamber considers that granting the request does not unduly prejudice Defence preparations for P-0641, as there is no issue of notice, and generally finds that it is in the interests of justice to allow sufficient time to hear the witness's accounts. The Chamber also notes that as a result of the postponement of P-0641's testimony, the Defence will now have more time to prepare its cross examination of P-0641. Accordingly, the Chamber authorises the Prosecution to examine P-0641 for a total of nine hours and stresses that the Defence may use the same amount of time for its cross-examination.

The Chamber has no objection to the re-scheduling of P-0641's testimony and finds it appropriate, in these circumstances, to also authorise the Prosecution to contact P-0641 as requested.

The Chamber notes that in light of the postponement, there are currently no witnesses scheduled between 18 and 29 March. The Chamber therefore instructs the Prosecution, in consultation with the VWU, to explore whether other witnesses could be scheduled during these upcoming weeks.

Kind regards,

[REDACTED]

On behalf of Trial Chamber X