

Annex IV

Public

From: [REDACTED]
Sent: 15 September 2020 16:08
To: Trial Chamber X Communications; Dutertre, Gilles; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team
Cc: [REDACTED]
Subject: RE: List of material for submission regarding Witness MLI-OTP-P-0010

Dear Trial Chamber X,
 Dear Colleagues,

Pursuant to paragraph 34(iii) of ICC-01/12-01/18-789-AnxA, the Defence provides its objections to the following documents which the Prosecution seeks to tender:

Tab	Doc ID	Title	Type	Main date
7	MLI-OTP-0002-0756	Minutes of meeting of the notables	Minutes of meetings	16-Mar-12
22	MLI-OTP-0078-6161	Translation of Evidence / Minutes of meeting of the notables	Translation - ENG	16-Mar-12

This document was not authored by P-0010, it is not signed or stamped, and P-0010 was not able to testify regarding its reliability and provenance as the document was not photographed by him where it was found. In [Ngirabatware](#), the Trial Chamber of the ICTR, noted at para. 37:

“Jurisprudence of this Tribunal provides that while there are no formal requirements for establishing the reliability and authenticity of documents, some factors to consider include the extent to which their content is corroborated by other evidence; their provenance; whether the documents submitted are originals or copies; if copies, whether these were registered or filed with an institutional authority; and whether these are signed, sealed, stamped or certified in any way.” (emphasis added)

In [Muvunyi](#), the ICTR Chamber denied admission of three documents, noting that the documents “appear at face value to be relevant” but “cannot be admitted as exhibits because they lack prima facie reliability.”

In these circumstances, the document (and a result, its translation) is not sufficiently reliable to justify its submission before the Chamber.

Kind regards,

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

-----Original Message-----

From: Dutertre, Gilles [mailto:Gilles.Dutertre@unhcr.org]

Sent: 11 September 2020 08:51

To: Trial Chamber X Communications; Taylor, Melinda; [REDACTED]; Nsita Luvengika, Fidel; Kassongo, Mayombo; Doumbia, Seydou

Cc: [REDACTED]

Subject: List of material for submission regarding Witness MLI-OTP-P-0010

Chère Chambre de Première Instance X et Chers Collègues,

Conformément au paragraphe 34. ii. de l'annexe ICC-01/12-01/18-789-AnnA, l'Accusation vous prie de bien vouloir trouver en pièce jointe la liste des éléments dont la soumission est requise concernant le témoin P-0010.

Respectueusement,

Gilles Dutertre

Dévouement - Intégrité -

Respect

Dedication - Integrity - Respect

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