

Annex V

Public

From: [REDACTED]
Sent: 16 September 2020 10:22
To: [REDACTED] 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

The Prosecution submits that the objections raised by the Defence are without foundation and should be rejected for the following reasons.

The ICC case law is clear that the Chamber has a broad discretion in admitting and assessing evidence freely pursuant to rule 63(2) and article 69(4) and 64(9) of the Statute (e.g ICC-01/04-01/06-1399-Corr, para. 23-24). With regard to MLI-OTP-0002-0756 (tab 7 in the binder), P-0010 described the circumstances in which he collected this and other documents from this location and transported them to London (ICC-01/12-01/18-T-020-CONF-ENG, p. 8, l. 24 – p. 14, l. 5). When MLI-OTP-0002-0756 was shown to P-0010, he confirmed that this represented the document which he had found at a destroyed building in Timbuktu in February 2013 (ICC-01/12-01/18-T-020-CONF-ENG, p. 16, l. 7-14). He explained the subsequent chain of custody of the document until its handover to the OTP. He further confirmed that it was his signature on the evidence bag MLI-OTP-0002-0111 (tab 1 in the binder), which contained MLI-OTP-0002-0756 (ICC-01/12-01/18-T-020-CONF-ENG, p. 17, l. 7 – p. 18, l. 17).

Contrary to the Defence's assertions, the reliability of the document, and thus its probative value, are demonstrated by the nature of the document itself (minutes of a meeting of AQIM leadership), found at a relevant location namely a former training centre used by the armed groups which occupied Timbuktu, in February 2013 (i.e. shortly after the end of the occupation by the armed groups AQIM and Ansar Dine).

The Prosecution will be eliciting evidence from other witnesses to comment on this document, including Witness P-0150. In accordance with paragraph 29 of the directions on the conduct of proceedings, ultimately the probative value of this document will be determined as part of the holistic assessment of all evidence submitted at the deliberation stage by the Chamber.

The Prosecution accordingly submits that MLI-OTP-0002-0756 and its translation should be accepted for submission and eventual admission as evidence.

Kind regards,
 Yours sincerely,

[REDACTED]
 Trial Lawyer

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

