

Annex I

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[REDACTED]

From: Trial Chamber X Communications
Sent: 22 September 2020 13:21
To: Dutertre, Gilles; [REDACTED]
 [REDACTED]
 'D28AlHassanDefenceTea [REDACTED]'; 'V43LRVTeam [REDACTED]'
Cc: Trial Chamber X Communications; FS Items Communication
Subject: Decision on submitted material for P-0010
Attachments: List of material for submission regarding Witness MLI-OTP-P-0010; RE: List of material for submission regarding Witness MLI-OTP-P-0010; RE: List of material for submission regarding Witness MLI-OTP-P-0010; RE: List of material for submission regarding Witness MLI-OTP-P-0010

Dear Counsel,
 Dear colleagues,

The Chamber notes the submission of items by the Prosecution (Email from the Prosecution dated 11 September 2020 at 08:51 and corresponding attachment), as well as by the Defence (Email from the Defence dated 11 September 2020 at 12:06 and corresponding attachment) following the testimony of P-0010.

It is noted that the Defence objects to the submission of two items by the Prosecution, namely item MLI-OTP-0002-0756 and its corresponding translation MLI-OTP-0078-6161 (Email from the Defence dated 15 September 2020 at 16:08). The Prosecution submits that the Defence's objection should be rejected (Email from the Prosecution dated 16 September 2020 at 10:22).

It is further noted that the Prosecution made no objections to the submissions of items by the Defence.

The Chamber is satisfied that the items tendered were sufficiently used or discussed with P-0010 during his testimony for them to be recognised as formally submitted. Notably, as concerns the item MLI-OTP-0002-0756 (and its corresponding translation) objected to by the Defence, the Chamber observes that P-0010 testified as to the circumstances of the collection of this document by him in Timbuktu in 2013 and of its transmission to the Prosecution.

As regards the Defence's objection as to its reliability, the Chamber recalls that pursuant to paragraph 34(i) of the Directions on the conduct of the proceedings (ICC-01/12-01/18-789-AnxA), the probative value of this document is a matter to be determined by the Chamber in its ultimate assessment of all evidence submitted.

Accordingly, the Chamber recognises the formal submission of all items contained in the tables attached to the email submissions received from the Prosecution and the Defence on 11 September 2020. Accordingly, the Registry is directed to proceed in accordance with paragraph 34(vi) of the Directions on the conduct of the proceedings (ICC-01/12-01/18-789-AnxA). The present ruling is without prejudice to the Chamber's final consideration as to the admissibility of the items hereby recognised as submitted

Kind regards,

[REDACTED]
 on behalf of Trial Chamber X