

Annex 1

Public

From: Trial Chamber I Communications
Sent: 14 June 2022 10:17
To: Abd Al Rahman Prosecution Team; D31AbdAlRahmanDefenceTeam [REDACTED]
V47AbdAlRahmanLRVTeam [REDACTED]
Cc: FS Items Communication; Associate Legal Officer-Court Officer; Trial Chamber I
Communications
Subject: Decision on submission of evidence through P-0850
Attachments: P-0850 - List of Material for Submission; Defence Request for admission into
evidence of the material tendered through witness P-0850

Dear Counsel,
Dear colleagues,

The Chamber notes the submission of 5 items by the Prosecution following the testimony of P-0850 (*see* attached email of 8 June 2022 at 09:01). The Chamber also notes the submission of 4 items by the Defence (*see* attached email of 7 June 2022 at 18:13).

Noting that the items submitted by the Prosecution were used and discussed with P-0850, and that their submission is unopposed, the Chamber hereby recognises the items as formally submitted.

The Registry is therefore directed to proceed in accordance with paragraph 31(iv) of the Directions on the conduct of the proceedings (filing 478).

As for the items submitted by the Defence, the Chamber notes that, although the Prosecution did not object to their submission, it noted that the items were not ‘used’ with the witness during his testimony (*see* email of 8 June 2022 at 15:49).

The Chamber considers that the 4 items submitted by the Defence were indeed not ‘used’ with the witness (*see* Transcript of hearing, 7 June 2022, ICC-02/05-01/20-T-044-CONF-ENG, p. 852, line 4 to p. 85, line 23). The Chamber recalls that for items to be submitted on the basis of the testimony of a witness, they must have been used or otherwise discussed with the witness during testimony.

The Chamber finds that recognising the submission of items which the witness was not able to comment on may lead to confusion at a later stage if it appears to have been submitted through that witness. In this particular case, P-0850 had not only never seen the documents the Defence seeks to submit, but he was also not in position to meaningfully answer questions relating to them.

The Chamber considers that, pursuant to paragraphs 55-56 of the Directions on the conduct of proceedings, the appropriate procedure for tendering evidence other than through a witness is by filing a written application. The Chamber encourages the parties to file a single written application at the end of the case, which contains all the evidence they wish to submit other than through a witness.

Consequently, the Chamber rejects the Defence’s request for submission of the 4 items and instructs the Defence to submit a written application for their submission instead.

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Kalb, Eva [REDACTED]
Sent: 07 June 2022 18:13
To: Trial Chamber I Communications
Cc: Abd Al Rahman Prosecution Team; V47 Abd Al Rahman LRV Team; Associate Legal Officer-Court Officer; D31 Abd-Al-Rahman Defence Team
Subject: Defence Request for admission into evidence of the material tendered through witness P-0850

Dear Trial Chamber I,

Pursuant to the procedure set out in paragraphs 31-33 of the *Directions on the conduct on proceedings* (ICC-02/05-01/20-478), the Defence hereby seeks the admission into evidence of the material used through Witness P-0850 listed below.

All the relevant material has been disclosed by the Defence.

For ease of reference, the relevant Transcript pages indicating the ERN of the material and the relevant excerpts where the material was discussed are also identified below:

1. **DAR-D31-0001-0007** (Tab 1 Defence Binder) – Mentioned in T-44 ENG Real-time, p. 98, ln 16.
2. **DAR-D31-0001-0001** (Tab 2 Defence Binder, Arabic original of Document #1 above) – Mentioned in T-44 ENG, Real-time, p. 100, lns 7-10; p. 100, lns 16-22; p. 101, lns 15-25; p. 102, lns 1-10.
3. **DAR-D31-0001-0009** (Tab 3 Defence Binder) – Mentioned in T-44 ENG Real-time, p. 98, ln 23.
4. **DAR-D31-0001-0003** (Tab 4 Defence Binder, Arabic original of Document # 3 above) – Mentioned in T-44 ENG Real-time, p. 99, lns 10-13; p. 100, lns 9-10; p. 100, lns 16-25; p. 101, lns 1-25; p. 102, lns 1-10.

Yours sincerely,

Eva Kalb, Assistant Evidence Reviewer (D31)
 On behalf of Counsel Laucci

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From: Sabatini, Claire
Sent: 08 June 2022 09:01
To: Trial Chamber I Communications
Cc: D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team; Abd Al Rahman Prosecution Team; Associate Legal Officer-Court Officer
Subject: P-0850 - List of Material for Submission
Attachments: P-0850 - List of Material for Submission.pdf

Dear Trial Chamber I,

In accordance with paragraph 31 of the “Directions on the conduct of proceedings” (ICC-02/05-01/20-478), the Prosecution respectfully requests the submission of the items included in the attached list in relation to Witness P-0850.

Thank you.

Kind regards,



Claire Sabatini

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Prosecution's List of Material for Submission - Witness DAR-OTP-P-0850

#	ERN (e-Court/Nuix)	Type	Title	Tendered through this witness	To be admitted under rule 68(3)
1.	DAR-OTP-0216-0002-R04	ICC Statement - General	WITNESS STATEMENT	Yes	Yes
2.	DAR-OTP-0216-0027-R01	List / table	ANNEXURE A / Headdress Board	Yes	Yes
3.	DAR-OTP-0214-0528-R01	ICC Statement - ICC screening	SCREENING NOTE	Yes	No
4.	DAR-OTP-0224-0642	Report	Annex A - Corrections/clarifications to the statement of P-0850 (DAR-OTP-0216-0002)	Yes	No
5.	DAR-OTP-0224-0644	List / table	Annex B - Persons killed and survivors of the Deleig executions	Yes	No