

Annex 1

Public

[REDACTED]

From: Trial Chamber I Communications
Sent: 01 August 2022 15:51
To: Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team
Cc: FS Items Communication; Associate Legal Officer-Court Officer; Trial Chamber I Communications
Subject: Decision on submission of evidence through P-0984
Attachments: RE: Defence Request for submission of the material tendered through witness P-0984; RE: P-0984 - List of Materials for Submission; P-0984 - List of Materials for Submission.pdf

Dear counsel,
Dear colleagues,

Following the testimony of P-0984, the Chamber notes the submission of 2 items by the Prosecution (email of 22 July 2022 at 10:17) and the submission of 1 item by the Defence (e-mail of 21 July 2022 at 18:40 and subsequently e-mail of 25 July 2022 at 09:40, withdrawing request to submit DAR-OTP-0222-0084).

Noting that the items identified in the e-mails above were used and discussed with P-0984, and that the submissions are unopposed, the Chamber hereby recognises them 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).

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Laucci, Cyril [REDACTED]
Sent: 25 July 2022 09:40
To: Jeremy, Edward; Issa Abdel Badih, Ahmad; 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: RE: Defence Request for submission of the material tendered through witness P-0984
Importance: High

Honourable Judges,

Dear Colleagues,

After full perusal of the transcript of witness P-0984's cross-examination, the Defence of Mr Abd-Al-Rahman withdraws its earlier request for admission of Witness P-0984's statement into evidence.

The only material which the Defence seeks to admit into evidence is thus the annotated image DAR-REG-0001-0014.

Best regards,

Cyril Laucci, Lead Counsel for the Defence of Mr Ali Muhammad Ali Abd-Al-Rahman.

From: Jeremy, Edward [REDACTED]
Sent: 22 July 2022 18:20
To: Issa Abdel Badih, Ahmad [REDACTED] Trial Chamber I Communications
Cc: Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED]
Subject: RE: Defence Request for submission of the material tendered through witness P-0984

Dear Trial Chamber I,

Dear Colleagues,

The Prosecution strongly opposes the Defence request to submit the witness statement of P-0984 (DAR-OTP-0222-0084) into evidence and notes that the Defence do not provide any reasons for departing from the clear Rule 68(3) versus *viva voce* distinction observed in this case to date.

The submission of P-0984's witness statement is not appropriate for a witness whose evidence has been elicited *viva voce*, per the decision of the Trial Chamber and the Prosecution notes that the Defence initially opposed its request to convert P-0984 to Rule 68(3).

The Prosecution conducted a focused *viva voce* examination of the witness and did not conduct this examination or the witness preparation with the expectation that the Defence would also seek to submit the witness statement into evidence. In particular, the criteria set out in Rule 68(3) were not observed and P-0984 did not formally adopt the corrections and clarifications made through the course of witness preparation.

Furthermore, in the course of P-0984's extensive cross examination, the Defence had ample opportunity to address all relevant aspects of P-0984's witness statement and put the relevant parts of that statement to him in court.

For the above reasons, and in the interests of avoiding a confusing "hybrid" *viva voce*/R68(3) procedure that is not contemplated by the Rules or the Statute, the Prosecution opposes the Defence request to submit P-0984's witness statement into evidence.

With kind regards and best wishes for the weekend ahead,

Edward Jeremy

From: Issa Abdel Badih, Ahmad [REDACTED]
Sent: 21 July 2022 18:24
To: Trial Chamber I Communications [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED] V47 Abd Al Rahman LRV Team
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED]
Subject: Defence Request for submission of the material tendered through witness P-0984

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-0984 listed below.

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:

- **DAR-OTP-0222-0084**, Witness Statement.
- **DAR-REG-0001-0014**, Annotated image of Mukjar, RT T-067 p. 54 to p. 58.

Kind regards,

Ahmad Issa,

Case Manager in the Defence team of Mr. Abd-Al Rahman

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From: Laucci, Cyril [REDACTED]
Sent: 22 July 2022 11:47
To: Sabatini, Claire; 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: RE: P-0984 - List of Materials for Submission

The below email was in reference to Witness P-0984. Sorry for the mistake.
 Cyril Laucci.

From: Laucci, Cyril
Sent: 22 July 2022 11:39
To: Sabatini, Claire [REDACTED] Trial Chamber I Communications
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED] V47 Abd Al Rahman LRV Team [REDACTED] Abd Al Rahman Prosecution Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: P-0984 - List of Materials for Submission

Honourable Judges, Dear Colleagues,
 The Defence has no objection to the admission of OTP proposed list of materials in relation to Witness P-0184.
 Best regards,
 Cyril Laucci.

From: Sabatini, Claire [REDACTED]
Sent: 22 July 2022 10:17
To: Trial Chamber I Communications [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: P-0984 - List of Materials for Submission

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-0984.

Thank you.

Kind regards,

Claire Sabatini



Case Manager
 Office of the Prosecutor
 International Criminal Court
 Oude Waalsdorperweg 10, 2597 AK, The Hague
Mail address: PO Box 19519, 2500 CM, The Hague, The Netherlands
 [REDACTED]

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Prosecution's List of Material for Submission – Witness DAR-OTP-P-0984

#	ERN (e-Court/JEM)	Type	Title	Tendered through this witness	To be admitted under rule 68(3)
1.	DAR-OTP-0225-0056-R01	Sketch	Sketch of Mukjar [REDACTED] provided by P-0984 during witness preparation	YES	N/A
2.	DAR-OTP-0225-0057-R01	Map	Annotated map of [REDACTED] provided by P-0984 during witness preparation	YES	N/A