

Annex I

Public

From: Trial Chamber X Communications
Sent: 05 October 2020 12:13
To: Al Hassan Prosecution Team; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team
Cc: FS Items Communication; Trial Chamber X Communications; Associate Legal Officer-Court Officer
Subject: Decision on submitted material for P-0193
Attachments: List of material for submission regarding Witness MLI-OTP-P-0193; RE: List of material for submission regarding Witness MLI-OTP-P-0193; RE: List of material for submission regarding Witness MLI-OTP-P-0193

Dear Counsel,

The Chamber notes the submission of items by the Prosecution (Email from the Prosecution dated 20 September 2020 at 15:24 and corresponding attachment) following the testimony of P-0193. It is noted that the Defence did not seek the submission of any items.

It is noted that the Defence objects to the submission of P-0193's report (item 2, MLI-OTP-0030-0629) and associated material (items 1 and 3-11) (Email from the Defence dated 23 September 2020 at 15:33). The Prosecution submits that the Defence's objection should be rejected (Email from the Prosecution dated 24 September 2020 at 16:30).

The Chamber has had due regard to the email exchanges between the parties. The Chamber has also considered the nature and scope of the witness's testimony, particularly that the Chamber previously authorised the introduction pursuant to Rule 68(3) of the Rules of Procedure and Evidence (the 'Rules') of P-0193's report, as well as related material (see Decision ICC-01/12-01/18-987-Conf, paras 50-53), being the items numbered 2 to 9 on the list sought to be submitted by the Prosecution, and that the formalities pursuant to this provision were met during P-0193's testimony.

For the other items on the list sought to be submitted by the Prosecution, namely items 1, 10 and 11, the Chamber is satisfied that the items were sufficiently used or discussed with P-0193 during his testimony for them to be recognised as formally submitted.

As regards the Defence's objection that the existence of errors in P-0193's report undermines its reliability which renders it inadmissible, and that the remainder of the items only have relevance with reference to the report, the Chamber reiterates that the formal submission of these items is without prejudice to their admissibility and the weight to be given to each item of evidence in the Chamber's judgment pursuant to Article 74 of the Statute.

Accordingly, the Chamber recognises the formal submission of all items contained in the table attached to the email received from the Prosecution on 20 September 2020. 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).

Kind regards,

On behalf of Trial Chamber X