

Annex I

Public

From: Trial Chamber X Communications
Sent: 22 March 2021 15:21
To: Al Hassan Prosecution Team; D28 Al Hassan Defence Team (D28AlHassanDefenceTeam [REDACTED]); V43 Victims Al Hassan Team
Cc: Trial Chamber X Communications; Associate Legal Officer-Court Officer; FS Items Communication
Subject: Decision on submitted material for P-0595
Attachments: Email from Defence 15 March 2021.pdf; Email from Defence 17 March 2021 at 14.40.pdf; Email from OTP 12 March 2021.pdf; Email from OTP 17 March 2021 at 16.55.pdf; Email from OTP 17 March 2021 at 17.51.pdf

Dear counsel,
 Dear colleagues,

The Chamber notes the submission of items by the Prosecution (Email from the Prosecution dated 12 March 2021 at 18:02 and corresponding attachment) and the Defence (Email from the Defence dated 15 March 2021 at 16:48) following the testimony of P-0595.

The Chamber takes note of the parties' responses to the submission of items by the other party (Email from the Defence dated 17 March 2021 at 14:40 and email from the Prosecution dated 17 March 2021 at 17:51), as well as the Prosecution's reply to the objections raised by the Defence (Email from the Prosecution dated 17 March 2021 at 16:55).

The Chamber notes that one item tendered by the Prosecution has already been submitted through P-0102 (MLI-OTP-0043-0034) and need not be submitted again.

For the remaining items, the Chamber is satisfied that the items tendered were sufficiently used or discussed with P-0595 during his testimony in a broad sense for them to be recognised as formally submitted. In relation to the objections of the Defence, the Chamber additionally recalls that introduction of the objected items was previously authorised under Rule 68(3) of the Rules (ICC-01/12-01/18-1267-Conf, paras 22-25), pending solely the formalities under this provision, which were fulfilled during P-0595's testimony in court (T-070). In relation to the objections of the Prosecution, the Chamber considers that the matters raised pertain more to the weight to be given to the testimony of P-0595 in relation to a given item than to its submission at this stage of the proceedings. In line with its previous decisions, the Chamber will consider the relevance and probative value of these items as part of the holistic assessment of all evidence submitted when deciding on the guilt or innocence of the accused, having due regard to the submissions made by the parties.

Accordingly, the Chamber authorises the submission of the material listed 'yes' in the column 'to be tendered as evidence' in the attachment to the Prosecution email of 12 March 2021, with the exception of item MLI-OTP-0043-0034, and the submission of the material identified in the Defence email of 15 March 2021.

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,

[REDACTED]
 on behalf of Trial Chamber X