

Annex I

Public

From: Trial Chamber X Communications
Sent: 06 October 2020 13:25
To: FS Items Communication
Cc: Al Hassan Prosecution Team; 'D28AlHassanDefenceTeam';
 'V43LRVTeam'; Associate Legal Officer-Court Officer; Trial Chamber X Communications
Subject: Decision on submitted material for P-0104
Attachments: Defence Reply 21.09.2020.pdf; Defence Submission E-mail 17.09.2020.pdf; OTP Response 18.09.2020.pdf; OTP Submission E-mail 16.09.2020.pdf

Dear counsel,

Dear colleagues,

The Chamber notes the submission of items by the Prosecution (Email from the Prosecution dated 16 September 2020 at 17:03 and corresponding attachment), as well as by the Defence (Email from the Defence dated 17 September 2020 at 15:48) following the testimony of P-0104.

It is noted that the Defence did not object to the submission of the items proposed by the Prosecution. Although the Prosecution does not object to the submission of items proposed by the Defence, it has made observations on the Defence's submissions in relation to the said items and the testimony of P-0104 (Email from the Prosecution dated 18 September 2020 at 15:09). The Chamber also notes that Defence's further reply in this regard (Email from the Defence dated 21 September 2020 at 14:01).

The Chamber has had due regard to the email exchanges between the parties as a result of their respective submission of items following the testimony of P-0104, particularly that there is no objection to the submission of the said items. The Chamber 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 reports authored by P-0104, as well as related material (see Decision ICC-01/12-01/18-989-Conf, paras 69-74). The Chamber further notes that the formalities pursuant to this provision were met during P-0104's testimony.

Accordingly, the Chamber recognises the formal submission by the Prosecution of items MLI-OTP-0001-7150, MLI-OTP-0028-0586, MLI-OTP-0029-1084, MLI-OTP-0033-0867, MLI-OTP-0004-0476, MLI-OTP-0024-1466 and MLI-OTP-0015-0141.

The Chamber recognises the formal submission by the Defence of items MLI-D28-0004-0345, MLI-D28-0004-0478 and MLI-D28-0004-0494.

As regards the parties' submissions related to the evaluation of the aforesaid items vis-à-vis the testimony of P-0104, 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.

All these items are hereby recognised as formally submitted and, 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).

Kind regards,

(on behalf of Trial Chamber X)