

Annex I

Public

From: Trial Chamber X Communications
Sent: 26 March 2021 08:48
To: Al Hassan Prosecution Team; 'D28AlHassanDefenceTeam';
 'V43LRVTeam';
Cc: Associate Legal Officer-Court Officer; FS Items Communication; Trial Chamber X Communications
Subject: Decision on submitted material for P-0636
Attachments: Defence P-0636 Submission E-mail.pdf; OTP P-0636 Submission E-mail.pdf; OTP Response to Defence P-0636 Submission E-mail.pdf

Dear counsel,
 Dear colleagues,

The Chamber notes the submission of items by the Prosecution (Email from the Prosecution dated 16 March 2021 at 14:02 and corresponding attachment) and the Defence (Email from the Defence dated 17 March 2021 at 16:17) following the testimony of P-0636.

The Chamber notes that the Defence does not object to the submission of one item the Prosecution intends to submit via P-0636. The Chamber notes this is a document P-0636 annotated during her testimony (MLI-REG-0001-0020).

The Chamber takes note of the Prosecution's response to the submission of two items the Defence intends to introduce through P-0636 (Email from the Prosecution dated 17 March 2021 at 17:12). The Prosecution does not object to the submission of one photograph, MLI-OTP-0048-0729. It however objects to the submission of document MLI-OTP-0071-0477-R01.

In relation to the objected document (MLI-OTP-0071-0477-R01), the Defence states that this item is relevant to assess the methodology for the formation of this document and the credibility of P-0636 and other witnesses. The Prosecution, on the other hand, objects to the submission of this document since it was not prepared or signed by P-0636 and she did not recognise it in court. The Prosecution argues that P-0636 is not the appropriate person to question in relation to methodologies and that the Defence did not question the witness further in relation to this document. The Chamber disagrees with the Prosecution's. It notes that although the witness did not recognise the document, its contents were amply discussed with P-0636 during the cross-examination. As noted previously by this Chamber, the objection raised by the Prosecution is more an issue of weight to be given to this item of evidence and P-0636's testimony, which the Chamber will evaluate holistically in its judgment.

As regards item MLI-OTP-0048-0729, the Chamber notes that there is no objection and it was shown to the witness, who recognised the location.

Accordingly, the Chamber authorises the submission of items MLI-REG-0001-0020 (in respect of the Prosecution) and MLI-OTP-0048-0729 and MLI-OTP-0071-0477-R01 (in respect of the Defence).

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)