

# **Annex 17**

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**From:** Trial Chamber X Communications  
**Sent:** 23 November 2020 13:10  
**To:** [REDACTED] Trial Chamber X Communications  
**Cc:** D28 Al Hassan Defence Team; Dutertre, Gilles; Taylor, Melinda; Luping, Dianne; Al Hassan Prosecution Team; V43 Victims Al Hassan Team; Associate Legal Officer-Court Officer; [REDACTED] Chamber Decisions Communication  
**Subject:** Decision on Request for the variation of deadlines for the submission of evidence in relation to P-0065

Dear counsel,

Dear colleagues,

The Chamber notes the Defence's request seeking a variation of deadlines for the submission of evidence in relation to P-0065. In particular, the Defence requests and extension until 27 November 2020 for their submission of evidence and until 3 December 2020 for their response to the Prosecution's request for the submission of evidence. The Chamber exceptionally rules on this request without a Prosecution response, in light of the soon upcoming deadlines. The Chamber notes that the expected amount of material to be submitted through P-0065 is significant. The Chamber also notes that the parties have several competing deadlines. Accordingly, the Chamber grants the Defence's request.

Kind regards,

[REDACTED]  
 (on behalf of the Single Judge to Trial Chamber X)

**From:** [REDACTED]  
**Sent:** 17 November 2020 16:38  
**To:** Trial Chamber X Communications  
**Cc:** D28 Al Hassan Defence Team; Dutertre, Gilles; Taylor, Melinda; [REDACTED] Al Hassan Prosecution Team; V43 Victims Al Hassan Team; Associate Legal Officer-Court Officer; [REDACTED]  
**Subject:** Request for the variation of deadlines for the submission of evidence in relation to P-0065

Dear Trial Chamber,

I am writing on behalf of Counsel for Mr Al Hassan to request a variation, pursuant to Regulation 35(2) of the Regulations of the Court, of two deadlines specified in the Directions on the Conduct of Proceedings. In particular, the Defence requests that deadlines related to the submission of evidence and response to Prosecution submission are varied to 27 November and 3 December respectively.

The current deadline for submissions on the exclusion of evidence based upon allegations of torture and cruel, inhumane, and degrading treatment are due on 24 November 2020 (ICC-01/12-01/18-1150, para. 11). As the Defence cross-examination is expected to run up to 20 November 2020, the completion of work in preparation for the deadlines of evidence exclusion and submission will significantly overlap. There is thus good cause to move the submission related deadlines as having adequate time to prepare both the submission of evidence in respect to P-65 and the exclusion of evidence are important matters for the fairness of the proceedings. Variation of the submission and response deadlines to after the exclusion of evidence submissions will avoid prejudice to this preparation. There is also good cause for the extension of the deadlines for reasons apart from the overlap of deadlines with the exclusion of evidence submissions. In particular, there is currently a dramatic disparity between the time the Prosecution has had to prepare its submission of evidence and that which the Defence will have. Since commencing its direct examination on 30 October 2020, at the time of making this request the Prosecution has had 12 court working days and 8 days since concluding its examination to prepare its submission of evidence. By contrast the Defence currently will have 1 day (ICC-01/12-01/18-789-AnxA, para. 34(ii)) following completion to digest over 10 days of transcripts and draft submissions in respect to many items. The Defence therefore requests a variation for the submission and response to the Prosecution. Because of the exclusion of evidence deadline, 27 November is requested.

For these reasons the Defence requests that the deadlines stemming from paragraph 34(ii) and (iii) of filing #789-AnxA are varied respectively to 27 November and 3 December.

Kind regards,

[REDACTED] on behalf of Counsel for Mr Al Hassan

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