

Annex 26

**PUBLIC
REDACTED**

From: Trial Chamber X Communications
Sent: 30 November 2020 20:20
To: Taylor, Melinda; [REDACTED] Trial Chamber X Communications; Al Hassan Prosecution Team; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: RE: Request for additional time for P-0557

Dear counsel,

Dear colleagues,

The Chamber grants the Prosecution request to question P-0557 two additional hours. Bearing in mind the Defence's submissions, the Chamber also authorises the Defence to start its cross-examination on Thursday, 3 December. However, the Chamber emphasises that the testimony of P-0557 should conclude on Friday, 4 December. The parties and participants must be ready to commence with the next witness P-0638 immediately after the conclusion of P-0557's testimony.

Kind regards,

[REDACTED]
 (on behalf of Trial Chamber X)

From: Taylor, Melinda
Sent: 30 November 2020 15:38
To: [REDACTED] Trial Chamber X Communications ; Al Hassan Prosecution Team ; D28 Al Hassan Defence Team ; V43 Victims Al Hassan Team ; Associate Legal Officer-Court Officer
Subject: RE: Request for additional time for P-0557

Dear Trial Chamber X,

The Defence has already set out its position, and related objection as concerns the use of this witness to authenticate items that he did not produce himself, and which should have been tendered through [REDACTED]. The Prosecution should, in addition, have factored the issues set out in its email at the time that it prepared its examination in chief, particularly as the Prosecution already expanded the time allocated to this witness from 4 hours to 5 hours (see email below dating from 12 November 2020). The Defence therefore opposes this significant extension of hours for examination in chief. In the alternative, should the Chamber grant the request in whole or in part, given the impact that the additional volume of testimony will have on Defence preparation (including the prospect of new lines of testimony being elicited for the first time tomorrow), the Defence would request that its cross-examination starts on Thursday rather than immediately after the Prosecution.

Kind regards

Melinda Taylor, on behalf of the Defence for Mr. Al Hassan

Chère Chambre de Première Instance X et Chers Collègues,

L'Accusation vous prie de bien vouloir trouver ci-joint le calendrier de novembre/décembre 2020 consolidé avec confirmation du début du témoignage de P-0565 le 25 novembre 2020 et, sous réserve de l'accord de la Chambre, 5 heures au lieu de 4 heures pour l'interrogatoire principal de P-0557 vu le volume d'information à traiter, ce qui ne change rien au calendrier lui-même étant donné le nombre de jours déjà alloué à ce témoin.

Respectueusement,

Gilles Dutertre

From: [REDACTED]
Sent: 30 November 2020 15:26
To: Trial Chamber X Communications; Al Hassan Prosecution Team; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team; Associate Legal Officer-Court Officer
Subject: Request for additional time for P-0557

Dear Trial Chamber X

The Prosecution requests an additional two hours for examination in chief with witness P-0557.

The Prosecution will streamline its further questions to ensure that the core evidence is elicited.

However, the Prosecution observes that in addition to providing important evidence regarding his own personal experiences, the witness is in a position to identify a number of the leaders in different audio-video and photographic materials and to authenticate a number of evidentiary items. If additional time is not allocated it will not be possible to elicit this evidence from the witness.

The original calculation of time did not take into account the consequential loss in time for English-French-Songhai consecutive interpretation difficulties that have occurred.

Moreover, the Prosecution understands that none of the time lost due to the various interpretation problems during the testimony to date has been deducted and that this is instead being attributed to time taken by the Prosecution. The Prosecution observes that there were quite a number of interpretation difficulties during P-0557's testimony and this has delayed questioning in relation to Witness P-0557.

The Prosecution observes that even with this additional time, P-0638 would be able to testify within the necessary time prior to the end of the court sessions next week; and, would be able to commence from this week.

The Prosecution respectfully submits that this additional time with P-0557 would assist the Chamber in its determination of the truth.

Kind regards

[REDACTED]
Trial Lawyer (on behalf of Gilles Dutertre)

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