

Annex 3

PUBLIC REDACTED

From: Trial Chamber X Communications
Sent: 01 October 2020 14:16
To: D28 Al Hassan Defence Team
Cc: Al Hassan Prosecution Team; V43 Victims Al Hassan Team; Trial Chamber X Communications; Chamber Decisions Communication
Subject: Decision on Regulation 35 Request for Defence objections to submission of material for P-0075

Dear counsel,

Noting the circumstances, including the nature of the items submitted by the Prosecution for Witness P-0075 and the number of overlapping deadlines in recent days, the Single Judge exceptionally grants the below Defence request pursuant to Regulation 35 of the Regulations of the Court. The Prosecution's right to respond to such objections within 1 working day of submission under paragraph 34(iv) of the Directions on the conduct of proceedings (ICC-01/12-01/18-789-AnxA) is maintained.

However, the Single Judge emphasises the importance of adherence to the deadlines in paragraph 34 of the Directions on the conduct of proceedings going forward.

The Single Judge has made this determination exceptionally in the absence of a response from the Prosecution.

Kind regards,

on behalf of the Single Judge of Trial Chamber X

From: [REDACTED]
Sent: 01 October 2020 12:10
To: Trial Chamber X Communications; Dutertre, Gilles; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team
Cc: [REDACTED]
Subject: RE: List of material for submission regarding Witness MLI-OTP-P-0075

Dear Trial Chamber X,
 Dear Colleagues,

The Defence refers to the list of submitted items provided by the Prosecution *via* email on 23 September 2020 at 15:44.

Due to an administrative oversight, the Defence notes that it failed to provide its objections within time pursuant to paragraph 34(iii) of ICC-01/12-01/18-789-AnxA concerning the items submitted in relation to Witness P-0075.

The Defence requests, pursuant to Regulation 35 of the Regulations of the Court, that the Chamber vary the time limit for the Defence's submission of objections. If granted by the Chamber, the Defence is in a position to provide its objections *via* email within 30 minutes of notification. The Defence notes that if granted, the Prosecution's right to respond to such objections within 1 working day of submission under paragraph 34(iv) should be maintained.

The Defence submits that it is in the interests of justice that the Defence has an opportunity to provide these objections, particularly in circumstances in which the parties have had multiple overlapping deadlines in recent days and the dates of witness testimony have been repeatedly varied.

Best regards,
 [REDACTED] (on behalf of the Al Hassan Defence)

-----Original Message-----

From: Dutertre, Gilles [REDACTED]

Sent: 23 September 2020 15:44

To: Trial Chamber X Communications; Taylor, Melinda; Nsita Luvengika, Fidel; Kassongo, Mayombo; Doumbia, Seydou

Cc: [REDACTED] D28 Al Hassan Defence Team

Subject: List of material for submission regarding Witness MLI-OTP-P-0075

Chère Chambre de Première Instance X et Chers Collègues,

Conformément au paragraphe 34. ii. de l'annexe ICC-01/12-01/18-789-AnnA, l'Accusation vous prie de bien vouloir trouver en pièce jointe la liste de tous les éléments dont la soumission est requise concernant le témoin P-0075.

Respectueusement,

Gilles Dutertre

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Dedication - Integrity - Respect

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