

Annex 68

Confidential

From: Trial Chamber X Communications
Sent: 22 June 2021 09:25
To: Al Hassan Prosecution Team; 'D28AlHassanDefenceTeam'; 'V43LRVTeam'
Cc: Trial Chamber X Communications; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: E-mail Decision – LRV request to question P-0150

Dear counsel,

The Chamber recalls that on 4 June 2021 (T-092), the Presiding Judge instructed the LRVs to indicate by 18 June 2021 if they maintain their request to question P-0150 (ICC-01/12-01/18-1500-Conf) and if so to provide further details on the subjects it intends to address during the questioning. The parties were instructed to reply in writing by 23 June 2021. These deadlines were varied to 16 and 21 June 2021 respectively, in light of the Prosecution's indication that it would conclude its examination in chief by 22 or 23 June (T-097) (Email from the Chamber dated 11 June 2021 at 18:12).

On 16 June 2021, the LRVs reiterated their request to examine P-0150 (see ICC-01/12-01/18-1500-Conf and ICC-01/12-01/18-1515-Conf). The LRVs seek leave to question P-0150 for a duration of two hours (ICC-01/12-01/18-1515-Conf, para. 11). They seek leave to question the witness [REDACTED] (filing ICC-01/12-01/18-1515-Conf, para. 9).

On 17 June 2021, the LRVs indicated in court that they additionally request a short adjournment between the end of the examination-in-chief and the start of their examination. Accordingly, they request either to start their questioning on 24 or 28 June 2021 (T-101).

On 21 June 2021, the Defence submitted their observations (filing ICC-01/12-01/18-1524-Conf). Although the Defence does not object to the LRVs' request to question P-0150, it notes that the LRVs have not identified issues in addition to those already explored by the Prosecution. It also submits that if the request is granted, certain safeguards apply to the questioning. As regards the timing of the questioning, the Defence considers that the LRV questioning should immediately follow the conclusion of Prosecution questioning on 23 June 2021, or at the very latest on the morning of 24 June 2021 (para. 16). The Prosecution does not oppose the LRVs' request (E-mail from the Prosecution on 21 June 2021 at 17:26).

The Chamber hereby grants the LRVs' request to examine P-0150 for a duration of two hours. However, the Chamber emphasises that the LRVs' examination should avoid unnecessary repetition and should be focused on the interests of their clients pursuant to Article 68(3) of the Statute.

As regards the LRVs' request for an adjournment of one or more days, the Chamber considers that the need for such a delay has not been demonstrated. The Chamber notes that court hearings were adjourned on Friday, 18 June, thus allowing the LRVs to take advantage of this day to review the evidence presented by P-0150 so far in order to avoid, as they submit, duplication in their examination. Moreover, the Defence has raised issues of potential impact on the Defence's deadline to disclose material to be used in cross-examination. The Chamber notes however that the Prosecution calculates it will conclude examination-in-chief, either by the end of Tuesday, 22 June or during the first session of Wednesday, 23 June. In this particular testimony, the LRVs have to cover less issues than the Defence and consequently, a shorter adjournment suffices. Accordingly, and in order to allow the LRVs to prepare and adjust their questioning (particularly as regards P-0150's testimony on 21 and 22 June), the Chamber authorises the LRVs to start and complete their questioning during the afternoon session of 23 June.

Accordingly, the schedule for Wednesday, 23 June, is amended as follows:

9:30 to 11:00 – If needed, Prosecution to conclude its examination-in-chief

14:15 to 16:15 – LRVs questioning of P-0150

The Chamber will not sit on 24 and 25 June 2021. The Defence will start its cross-examination on 28 June 2021.

Kind regards,



(on behalf of Trial Chamber X)