

Annex 28

Confidential

From: Trial Chamber X Communications
Sent: 03 September 2021 15:26
To: D28 Al Hassan Defence Team (D28AlHassanDefenceTeam[REDACTED]); V43 Victims Al Hassan Team (V43LRVTeam[REDACTED]); Al Hassan Prosecution Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber X Communications
Subject: TC X - Decision on Defence objections to the Prosecution list of material for P-0654

Dear counsel,

Noting the Prosecution's response, in which it confirms that it no longer intends to use the objected items, the Single Judge dismisses the Defence's objections to the Prosecution's list of material for P-0654 as moot.

Kind regards,

On behalf of the Single Judge of Trial Chamber X

From: [REDACTED]
Sent: 03 September 2021 14:09
To: Trial Chamber X Communications <TrialChamberXCommunications[REDACTED]>; D28 Al Hassan Defence Team (D28AlHassanDefenceTeam[REDACTED]) <D28AlHassanDefenceTeam[REDACTED]>; V43 Victims Al Hassan Team (V43LRVTeam[REDACTED]) <V43LRVTeam[REDACTED]>
Cc: Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer[REDACTED]>; Al Hassan Prosecution Team <AlHassanProsecutionTeam[REDACTED]>
Subject: RE: List of Material for Witness MLI-OTP-P-0654

Dear Trial Chamber X, Dear Colleagues

The Prosecution confirms that it is not intending to use with, or submit through, P-0654 the items to which the Defence objects, namely [REDACTED].

As regards the four last items, the Prosecution observes that for relevant portions there are alternative versions on the list, for which transcripts exist.

Kind regards,

Trial Lawyer

From: [REDACTED]
Sent: 03 September 2021 13:04
To: Trial Chamber X Communications <TrialChamberXCommunications[REDACTED]>
Cc: Al Hassan Prosecution Team <AlHassanProsecutionTeam[REDACTED]>; D28 Al Hassan Defence Team <D28AlHassanDefenceTeam[REDACTED]>; V43 Victims Al Hassan Team <V43LRVTeam[REDACTED]>; Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer[REDACTED]>; [REDACTED]
Subject: RE: List of Material for Witness MLI-OTP-P-0654

Dear Trial Chamber X,
Dear Colleagues,

Pursuant to paragraph 60 of the [Directions on the Conduct of Proceedings](#), the Defence provides its objections to the Prosecution's List of Material for Witness P-0654.

Category A: Video and audio recordings without transcripts and translations

Pursuant to paragraph 59 of the Directions on the Conduct of Proceedings, 'video or audio recordings may only be used in court if a transcript, and a translation if applicable, are available'. The Prosecution has included the following videos without transcripts and for Tab 394 (in Arabic), the necessary translations into a working language of the Court.

Transcripts and translations are particularly necessary in this case, given that the Prosecution intends to submit Tabs 153, 203, 322 and 323 through this witness. The Defence notes that it put the Prosecution on notice regarding the lack of transcripts for the below items via *inter partes* correspondence [REDACTED] but that these issues persist (even following the Prosecution's response [REDACTED] to provide its position concerning these items).

Furthermore, some of the items (notably Item 398, which is 1 hour, 35 minutes and 26 seconds in length) are lengthy, with no specific time stamps indicated for presentation as evidence. The Defence notes that there are other videos in the list of material which also do not have transcripts and translations (e.g. Tabs 135, 168, 206, 207, 208, 209, 210, 211, 212, 225, 226, 285, 322, 323 and 362) but notes that these items do not have any audible speech which would require transcription and translation. The Defence has not included these items in its objections for this reason.

Tab	Document ID	Title	Type	Main Date	To be submitted through P-0654
153	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Yes
203	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Yes
322	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Yes
323	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Yes
394	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	No
398	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	No

Kind regards,

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

From: Yamaguchi, Yayoi [REDACTED]
 Sent: 01 September 2021 18:55
 To: Trial Chamber X Communications; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team
 Cc: Al Hassan Prosecution Team
 Subject: List of Material for Witness MLI-OTP-P-0654

Dear Trial Chamber X,
 Dear Colleagues,

Please find attached an updated version of the List of Material for P-0654.

Kind regards,

Yayoi Yamaguchi
 On behalf of the Prosecution

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