

Annex 12

Public

[REDACTED]

From: Trial Chamber I Communications
Sent: 19 August 2022 09:43
To: Nicholls, Julian; Laucci, Cyril; Trial Chamber I Communications; Edwards, Iain; Sabatini, Claire
Cc: Associate Legal Officer-Court Officer; V47 Abd Al Rahman LRV Team; D31 Abd-Al-Rahman Defence Team; Abd Al Rahman Prosecution Team; Chamber Decisions Communication
Subject: RE: Updated Calling order 25 August - 29 September

Dear counsel,
Dear colleagues,

In light of the Defence's indications below, and provided references to Ali Kushayb are removed, the Prosecution is to put the paragraphs below into a document to be produced by the witness during his viva voce testimony.

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Nicholls, Julian [REDACTED]
Sent: 18 August 2022 18:02
To: Laucci, Cyril [REDACTED]; Trial Chamber I Communications [REDACTED]
[REDACTED] Edwards, Iain [REDACTED] Sabatini, Claire [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED]; D31 Abd-Al-Rahman Defence Team [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] Chamber Decisions Communication [REDACTED]
Subject: RE: Updated Calling order 25 August - 29 September

Dear Mr Laucci,

Thank you for your quick and helpful response.

Best regards,

Julian

From: Laucci, Cyril [REDACTED]
Sent: 18 August 2022 16:21
To: Trial Chamber I Communications [REDACTED] Edwards, Iain [REDACTED]; Nicholls, Julian [REDACTED]; Sabatini, Claire [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] Chamber Decisions Communication [REDACTED]
Subject: RE: Updated Calling order 25 August - 29 September
Importance: High

Honourable Judges,

Dear Colleagues,

With respect to paragraphs 217-277 of P-0883's written statement (DAR-OTP-0218-0059), the Defence only challenges the references made to Ali Kushayb in these paragraphs, in particular at paragraphs 234, 236-239, 246, 253, 260, 264, 268-269 and 273.

The Defence intends to use the opportunity of P-0883's cross-examination to obtain further details and clarifications regarding all issues addressed at paragraphs 217-277 of his written statement.

Yours sincerely,

Cyril Laucci, Lead Counsel.

From: Trial Chamber I Communications [REDACTED]
Sent: 16 August 2022 16:19
To: Edwards, Iain [REDACTED] Nicholls, Julian [REDACTED] Sabatini, Claire [REDACTED]
 [REDACTED] Trial Chamber I Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED] V47 Abd Al Rahman LRV Team [REDACTED]; D31 Abd-Al-Rahman Defence Team [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] Chamber Decisions Communication [REDACTED]
Subject: RE: Updated Calling order 25 August - 29 September

Dear colleagues,

Dear counsel,

The Chamber notes the updated calling order and the parties observations thereto.

In order to have an efficient conduct of proceedings, the Chamber instructs the parties as follows:

P-0883: The Defence is to indicate by COB, 19 August 2022, whether it disputes paragraphs 217-277 of the witness's statement (DAR-OTP-0218-0059-R01). Where possible, parties should endeavour to agree on such facts. In order to expedite the testimony of P-0883, the Prosecution is instructed to extract the information contained in the aforesaid paragraphs into a document which can be submitted through the witness.

P-0129: The Chamber is of the preliminary view that this witness could be introduced via Rule 68(3). The Prosecution may file such an application by COB, 19 August 2022. The Defence may respond by COB 25 August 2022. Submissions may be filed or sent via e-mail.

P-1018, P-0976, P-0992: The Prosecution has indicated it will make an application to introduce these witnesses via Rule 68(3). The Chamber is of the preliminary view that these witnesses could be introduced via Rule 68(3). The Chamber hereby instructs the Prosecution to file such an application by 24 August 2022; any response to be filed by 31 August 2022.

P-0994: The Chamber is of the preliminary view that this witness could be introduced via Rule 68(3). The Prosecution may file such an application by the aforesaid deadline of 24 August 2022, with responses by COB 31 August 2022.

Best regards,

[REDACTED]
 (on behalf of Trial Chamber I)

From: Edwards, Iain [REDACTED]
Sent: 12 August 2022 18:27
To: Nicholls, Julian [REDACTED]; Sabatini, Claire [REDACTED] Trial Chamber I Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED]; Abd Al Rahman Prosecution Team [REDACTED]
Subject: Re: Updated Calling order 25 August - 29 September

Dear Julian,

Thank you for this information.

I wish everyone a good weekend.

All the best,

Iain

From: Nicholls, Julian [REDACTED]
Sent: 12 August 2022 16:34
To: Edwards, Iain [REDACTED] Sabatini, Claire [REDACTED] Trial Chamber I Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED]; D31 Abd-Al-Rahman Defence Team [REDACTED]; Abd Al Rahman Prosecution Team [REDACTED]
Subject: RE: Updated Calling order 25 August - 29 September

Dear Iain,

[REDACTED]

I would prefer not to get into the specific circumstances of the witnesses [REDACTED] appears to be the most secure option.

Best regards and hope everyone has a good weekend.

Julian

From: Edwards, Iain [REDACTED]
Sent: 12 August 2022 15:09
To: Sabatini, Claire [REDACTED]; Trial Chamber I Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED] Abd Al Rahman Prosecution Team [REDACTED]
Subject: Re: Updated Calling order 25 August - 29 September

Dear Claire,

Dear colleagues,

Thank you for this update.

Can you please confirm whether either of these witnesses [REDACTED], as you earlier did with witnesses P-0105 (although perhaps you meant P-0905?) and P-0008?

Can you please also explain what the "specific circumstances of these witnesses" are that drove VWS to make their recommendation?

Many thanks.

All the best,

lain

From: Sabatini, Claire [REDACTED]
Sent: 12 August 2022 13:20
To: Trial Chamber I Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED] V47 Abd Al Rahman LRV Team [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED] Abd Al Rahman Prosecution Team [REDACTED]
Subject: RE: Updated Calling order 25 August - 29 September

Dear Trial Chamber I,

Dear colleagues,

VWS and the Prosecution have had a number of email exchanges regarding the mode of testimony for Witnesses P-0874 and P-0994 [REDACTED]. According to the specific circumstances of these witnesses, VWS recommended that they [REDACTED].

On Monday 8 September 2022, VWS informed the Prosecution that they need more time to discuss [REDACTED] with relevant authorities. Therefore, VWS requested the Prosecution to move these witnesses to the second block of September.

As soon as VWS has confirmed [REDACTED], the Prosecution will inform the Chamber and parties and participants.

Please see below the updated calling order for the upcoming block.

The Prosecution is aware of the current mode of testimony for Witness P-1018 and will file a rule 68.3 application urgently.

Witness	Estimated date of testimony	OTP estimated duration of direct and cross	Expected language of testimony	Mode of testimony
P-0913	25 August	4.5 hrs	Fur	68(3)
P-0883	26-29 August	9 hrs	Sudanese Arabic	Viva voce
P-0916	30 August	4.5 hrs	Fur	68(3)
P-0129	31 August -1 September	9 hrs	Fur	Viva voce

P-0878	2-5 September	9 hrs	Fur	Viva voce
P-0918	6 September	4.5 hrs	Fur	68(3)
P-1018	7 September	4.5 hrs	Standard Arabic	Viva voce but we will file a rule 68.3 application
P-1021	8-9 September	9 hrs	Sudanese Arabic	Viva voce
P-0874	26-27 September	9 hrs	Standard Arabic	Viva voce
P-0994	28-29 September	9 hrs	Sudanese Arabic	Viva voce

Kind regards,

Claire Sabatini



Case Manager
Office of the Prosecutor
International Criminal Court
Oude Waalsdorperweg 10, 2597 AK, The Hague
Mail address: PO Box 19519, 2500 CM, The Hague, The Netherlands

www.icc-cpi.int

From: Sabatini, Claire [REDACTED]
Sent: 21 July 2022 17:46
To: Trial Chamber I Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED]; Abd Al Rahman Prosecution Team [REDACTED]
Subject: RE: Calling order 25 August - 9 September

Dear Trial Chamber,
Dear colleagues,

Below is the schedule for the upcoming witnesses until the end of October block (21 October).

The Prosecution already sent the order of appearance of the below witnesses to the Defence for their input regarding the estimated duration of cross examination. Should the Defence's input require the adjustment of the Prosecution's estimated duration of the testimony, the Prosecution will send the amended list to the Chamber, the parties and participants as soon as possible.

The Prosecution is discussing with VWS the mode of testimony of P-0874 and will inform the Chamber, the parties and participants once P-0874's situation has become clearer.

Witness	Estimated date of testimony	OTP estimated duration of direct and cross	Expected language of testimony	Mode of testimony
P-0913	25 August	4.5 hrs	Fur	68(3)
P-0883	26-29 August	9 hrs	Sudanese Arabic	Viva voce
P-0916	30 August	4.5 hrs	Fur	68(3)
P-0129	31 August -1 September	9 hrs	Fur	Viva voce
P-0878	2-5 September	9 hrs	Fur	Viva voce
P-0874	6-7 September	9 hrs	Standard Arabic	Viva voce (tentative)

P-0994	8-9 September	9 hrs	Sudanese Arabic	Viva voce
P-0918	26 September	4.5 hrs	Fur	68(3)
P-1021	27-28 September	9 hrs	Sudanese Arabic	Viva voce
P-0976	29 September	4.5 hrs	Fur	Viva voce but we are applying for rule 68.3
P-0905	30 September -3 October	9 hrs	Standard Arabic	Viva voce
P-0992	4 October	4.5 hrs	Fur	Viva voce but we are applying for rule 68.3
P-0999	6 October	4.5 hrs	Fur	Viva voce but we are applying for rule 68.3
P-0885	7-10 October	9 hrs	Standard Arabic	Viva voce
P-0884	11-12 October	7.5 hrs	Fur	Viva voce
P-1018	13 October	4.5 hrs	Standard Arabic	Viva voce but we are applying for rule 68.3
P-0979	14 October	4.5	Standard Arabic	Viva voce but we are applying for rule 68.3
P-0907	17-18 October	9 hrs	Fur	Viva voce
P-0008	19 October	4.5 hrs	Fur	68(3)
P-0973	20-21 October	9 hrs	Fur	Viva voce

Kind regards,

Claire Sabatini

Case Manager

Office of the Prosecutor

International Criminal Court

Oude Waalsdorperweg 10, 2597 AK, The Hague

Mail address: PO Box 19519, 2500 CM, The Hague, The Netherlands

www.icc-cpi.int



From: Chamberlain, Cynthia [REDACTED]

Sent: 21 July 2022 16:59

To: Abd Al Rahman Prosecution Team [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED]

Cc: Associate Legal Officer-Court Officer [REDACTED] Trial Chamber I Communications [REDACTED]

Subject: Calling order 25 August - 9 September

Dear colleagues,

The Prosecution is instructed to send the calling order (at least for the witnesses testifying from 25 August to 2 September), by COB tomorrow, 22 July 2022

The complete calling order of witnesses testifying until 9 September is to be transmitted no later than COB, Friday, 29 July 2022.

Best regards,


(on behalf of Trial Chamber I)

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