

Annex 2

Public

[REDACTED]

From: Trial Chamber I Communications
Sent: 24 October 2022 14:20
To: Nicholls, Julian; Trial Chamber I Communications; Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team
Cc: Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: RE: Decision on Updated witness order November/December

Dear counsel,
Dear colleagues,

In light of the Prosecution's clarification below, particularly that the parties have agreed to call P-1073 *viva voce*, the Chamber confirms this mode of testimony for the witness.

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Nicholls, Julian [REDACTED]
Sent: 19 October 2022 16:13
To: Trial Chamber I Communications [REDACTED] Abd Al Rahman Prosecution Team [REDACTED]; D31 Abd-Al-Rahman Defence Team [REDACTED] V47 Abd Al Rahman LRV Team [REDACTED]
Cc: Chamber Decisions Communication [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Decision on Updated witness order November/December

Dear Trial Chamber I,

Our thanks to the Trial Chamber for the speedy decision.

I must note however that the Prosecution and Defence only agreed on the conversion of P-1074 to Rule 68(3). The Prosecution did not propose, and the Defence did not agree, that P-1073 be called pursuant to Rule 68(3). In the first email from me to the Trial Chamber and parties and participants, the first email below, I tried to convey that the agreement for conversion to Rule 68(3) applied only to P-1074. I apologise if this was not clear.

Therefore, the Prosecution respectfully requests that P-1073 be called *viva voce* as expected by the Prosecution and Defence.

Thank you.

Best regards,

Julian

From: Trial Chamber I Communications [REDACTED]
Sent: 19 October 2022 15:22
To: Abd Al Rahman Prosecution Team [REDACTED] D31 Abd-Al-Rahman Defence

Team [REDACTED]; V47 Abd Al Rahman LRV Team
[REDACTED]

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

Subject: Decision on Updated witness order November/December

Dear counsel,
Dear colleagues,

The Chamber notes the updated calling order for witnesses testifying during the last evidentiary block of 2022.

The Chamber observes the agreement among the parties to call P-1073 and P-1074 to testify during this block and pursuant to Rule 68(3) of the Rules of Procedure and Evidence (the 'Rules'). The Chamber further notes that P-1073 and P-1074 are both [REDACTED] and therefore the use of Rule 68(3) of the Rules may prevent potential [REDACTED] (see Decision 559, para. 15).

Accordingly, the Chamber authorises the Prosecution to call P-1073 and P-1074 in 2022 and authorises the introduction of their prior recorded testimony pursuant to Rule 68(3) of the Rules. The Chamber's preliminary ruling is subject to witnesses' appearance before the Chamber and their consent to the introduction of their testimony pursuant to this provision.

The Chamber notes the Prosecution's submission that it has not yet scheduled any witnesses to testify on 8-9 December 2022. The Prosecution should endeavour to find witnesses for these dates. If unable so to do then at least one of these days will be used for discussion of, *inter alia*, the admission of evidence (i.e. the video of the accused), the conclusion of the Prosecution case and, if applicable, the timing of the common legal representatives' case as well as the Defence case. The Chamber will issue in due course a scheduling order for this purpose.

The Chamber lastly instructs the Prosecution to confirm by 31 October 2022, the calling order for the rest of the year (including P-0885, any backup witnesses, use of Rule 68(3) of the Rules and use of video-link).

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Nicholls, Julian [REDACTED]

Sent: 18 October 2022 17:09

To: Laucci, Cyril [REDACTED] Trial Chamber I Communications [REDACTED]
[REDACTED] 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]; Chamber Decisions
Communication [REDACTED]

Subject: RE: Updated witness order November/December

Dear Cyril,

Thank you for your email. We do not have confirmation at this time and will update you by the 31st.

Best,

Julian

From: Laucci, Cyril [REDACTED]
Sent: 18 October 2022 17:03
To: Nicholls, Julian [REDACTED] Trial Chamber I Communications
[REDACTED] 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] Chamber Decisions
Communication [REDACTED]
Subject: Re: Updated witness order November/December

Dear Julian,
Sorry, I had not seen your next email.
20-22 November is by far too late for a final decision on P0885. In light if the amount of work that this specific witness requires, I already said that we would need a final position as to whether he is confirmed for next block by 31 October at the latest. We will oppose his appearance if it is not confirmed by this date.
Best regards,
Cyril.

From: Laucci, Cyril [REDACTED]
Sent: Tuesday, October 18, 2022 4:43 PM
To: Nicholls, Julian [REDACTED] Trial Chamber I Communications
[REDACTED] 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] Chamber Decisions
Communication [REDACTED]
Subject: Re: Updated witness order November/December

Dear Julian,
Thanks for this update. I see that P0885 is still o the list. Shall we take this as a confirmation that you managed to reach him and that he will come?
Also, I see that P0060 and P0671 are expected to appear via AVL. [REDACTED]
[REDACTED]. This is a relevant information I need for the forthcoming appeal.
Best regards,
Cyril Laucci.

From: Nicholls, Julian [REDACTED]
Sent: Tuesday, October 18, 2022 3:59 PM
To: Trial Chamber I Communications [REDACTED] 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] Chamber Decisions
Communication [REDACTED]
Subject: Updated witness order November/December

Dear Trial Chamber I,
Dear colleagues,

Please see below the Prosecution's updated calling order.

The Prosecution seeks leave from the Chamber to add P-1073 and P-1074 to the coming block. The Trial Chamber had ordered that witnesses P-1073 and P-1074 should be called *viva voce* and not before January 2023 (Decision 681). the Prosecution has discussed these witnesses the Defence and has reached agreement to call these two witnesses this year and to convert P-1074 to rule 68(3). The Prosecution extends its thanks again to the Defence for its agreement. A rule 68(3) request will be filled shortly.

Once we have received any additional input on cross examination estimates we will adjust the calling order if necessary.

Finally, the Prosecution will seek to fill the final four days of the December block with additional witnesses as soon as possible.

Thank you.

Best regards,

Julian

	Witness	Date of testimony	Expected length of testimony	Language	Mode of testimony	OTP examination
1.	P-0584	7 November	4.5 hrs	Fur	Rule 68(3)	0.5 hr
2.	P-0926	8-9 November	9 hrs	Fur	Viva voce	3-4 hrs
3.	P-0015	10 November	2.5 hrs	Fur	Rule 68(3) in person in The Hague	0.5 hr
4.	P-0907	10, 11, 14 November	8-9 hrs	Fur	Viva voce	3-3.5 hrs
5.	P-0769	14, 15, 16 November	9 hrs	Standard Arabic	Viva voce	3 hrs
6.	P-0671	16 November	4.5 hrs	Fur	Rule 68(3) via AVL	0.5 hr
7.	P-0585	17, 18 November	7.5 hrs	Fur	Viva voce	1.5-3 hrs
8.	P-0987	21, 22, 23 November	9 hrs	Fur	Viva voce	4.5 hrs
9.	P-0591	23, 24 November	3 hrs	Fur	Rule 68(3)	0.5 hr
10.	P-0697	24 November	3 hrs	Fur	Rule 68(3)	0.5 hr
11.	P-1073	25 November	3.5 hrs	Fur	Viva voce	1.5 hrs
12.	P-1074	28 November	2.5 hrs	Fur	Viva voce converting to Rule 68(3)	0.5 hr

13.	P-0131	29, 30 November	7 hrs	Fur	Viva voce	3 hrs
14.	P-0885	1, 2 December	9 hrs	Standard Arabic	Viva voce	4.5 hrs
15.	P-0060	5 December	4.5 hrs	Fur	Rule 68(3) via AVL	0.5-1 hr

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