

ANNEX 1

PUBLIC REDACTED

From: Trial Chamber X Communications
Sent: 05 January 2022 15:46
To: D28 Al Hassan Defence Team; V43 Victims Al Hassan Team; Al Hassan Prosecution Team
Cc: Trial Chamber X Communications; Chamber Decisions Communication
Subject: TC X: Single Judge Decision on Prosecution Regulation 35 request: Admission of evidence as part of the Prosecution's case

Dear Counsels,

The Single Judge notes the Prosecution's email request below seeking an extension of the time limit to file its remaining applications for the introduction of evidence other than through a witness (the 'Remaining Applications'). The Single Judge also notes the related Defence response and follow-up request.

Pursuant to Regulation 35 of the Regulations of the Court, in light of the information provided by the Prosecution, and noting that the request is uncontested, the Single Judge is satisfied that good cause has been established and grants the Prosecution's request in part. In the circumstances, the Single Judge finds it appropriate to extend the deadline for the filing of the Remaining Applications to **31 January 2022**.

The Single Judge also grants the Defence's related request and decides that the formal notice of the conclusion of the Prosecution's presentation of evidence (*see* ICC-01/12-01/18-1756, para. 4) shall not be notified before the deadline for the Defence's response to the Remaining Applications has elapsed.

Kind regards,

On behalf of the Single Judge of Trial Chamber X

From: Taylor, Melinda [REDACTED]
Sent: 05 January 2022 10:24
To: [REDACTED] Trial Chamber X Communications
Cc: D28 Al Hassan Defence Team [REDACTED] V43 Victims Al Hassan Team [REDACTED]; Al Hassan Prosecution Team [REDACTED]
Subject: Re: Regulation 35 request: Admission of evidence as part of the Prosecution's case

Dear Trial Chamber X, Dear Colleagues,

The Defence would first of all would like to wish everyone a healthy and happy New Year for 2022.

The Defence does not in principle object to this request, although it notes that any Defence responses to such requests will fall after this date and will necessarily impact on Defence preparation as concerns the finalisation of its list of evidence, witnesses, summaries, and brief.

The Defence further observes that footnote 5 of the 5th Decision on the Conduct of the Proceedings specifies that the Prosecution notice (concerning closure of its case) "may be conditional on the resolution of any outstanding requests for the submission of evidence, either in writing or through the email submission procedure specified in the Directions on the conduct of proceedings, ICC-01/12-01/18-789-AnxA, para. 34(ii)-(v)".

Given first, the impact of Prosecution evidential applications on Defence preparation and second, that the content and resolution of various evidential issues concerning the Prosecution case will impact on Defence strategy concerning its list of witnesses and exhibits, the Defence respectfully submits that the formal notice period concerning the closure of the Prosecution case should not fall before the deadline for Defence responses to such applications.

Kind regards,

Melina Taylor, on behalf of the Al Hassan Defence

From: [REDACTED]
Sent: 05 January 2022 09:47
To: Trial Chamber X Communications [REDACTED] >
Cc: D28 Al Hassan Defence Team [REDACTED]; V43 Victims Al Hassan Team <[REDACTED]>; Al Hassan Prosecution Team <[REDACTED]>
Subject: Regulation 35 request: Admission of evidence as part of the Prosecution's case

Dear Trial Chamber X,

The Prosecution requests under regulation 35 of the Regulations of the Court, an extension of three weeks' time in which to submit its final requests for admission of evidence as part of the Prosecution case, other than through its remaining Prosecution witnesses, from 17 January 2022 (as ordered by the Trial Chamber X, in decision ICC-01/12-01/18-1756, para.2) to **7 February 2022**.

The Prosecution submits that there is good cause to request the extension of time. Analysis of final documentary evidence is a time and resource-intensive exercise, which also necessitates careful assessment against the existing evidence already submitted or on the record from witnesses who have testified. For various reasons outside its control, the Prosecution is working with a reduced trial team and whilst efforts have been made to address the gaps, this has had an impact on the final evidentiary reviews. The Prosecution must also engage in a necessary, but time-consuming process of obtaining comments from the Defence for each item of evidence proposed in its separate bar table motions. In any event, the Prosecution submits it is in the interests of justice to allow the Prosecution to have additional time as requested to complete the exercise, so that the process is completed as thoroughly and efficiently as possible.

The time requested is limited, so should not cause any undue prejudice to the Defence, nor have any impact on the timetable for upcoming witnesses from the Legal Representatives for Victims or the commencement of the Defence case.

For all these reasons, the Prosecution requests that the Chamber grant this limited time extension until 7 February 2022, to submit its final bar table motions, or ultimate requests for admission of evidence as part of the Prosecution's case, other than through *viva voce* testimony of Prosecution witnesses.

Kind regards,

[REDACTED]
Trial Lawyer

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