

ANNEX 15
PUBLIC REDACTED

From: Trial Chamber X Communications
Sent: 11 February 2022 16:38
To: Al Hassan Prosecution Team; D28 Al Hassan Defence Team
 [REDACTED] V43 Victims Al Hassan Team
 [REDACTED]
Cc: Associate Legal Officer-Court Officer; Trial Chamber X Communications; Chamber Decisions Communication
Subject: TC X: Instructions on the start and conduct of the Defence case

Dear Counsels,
 Dear colleagues,

Following-up on the timeline adopted in decision ICC-01/12-01/18-1756, the Chamber finds it appropriate to provide additional information to the parties and participants to assist in their preparation:

First, the Chamber informs that, given the current deadlines and pending motions, it expects the Defence case to start on Monday 9 May 2022. If any, Defence opening statements shall commence at 9:30 on that day and the testimony of its first witness shall start immediately after.

Second, the Chamber will be hearing Defence witnesses during the following weeks but, because of prior commitments, no hearings are to be scheduled on 19, 20, 23 and 27 May and 13 June 2022. The Chamber otherwise expects to sit to hear Defence evidence on a continuous basis and, if needed, until the start of the summer judicial recess on 22 July 2022.

Finally, the Chamber notes that that a 'conditional' notice of the end of the Prosecution's presentation of evidence was just notified (ICC-01/12-01/18-2110-Conf). To assist in the implementation of decision ICC-01/12-01/18-1756, and particularly for the calculation of the relevant specific deadlines, the Chamber informs that it intends to clearly put on the record when it considers the Prosecution's case closed when issuing its decision on the last relevant pending motion.

Kind regards,

[REDACTED]
 On behalf of Trial Chamber X

From: Dutertre, Gilles [REDACTED]
Sent: 11 February 2022 13:57
To: Taylor, Melinda [REDACTED] Trial Chamber X Communications [REDACTED]
 [REDACTED]
Cc: V43 Victims Al Hassan Team [REDACTED]; Al Hassan Prosecution Team [REDACTED]; D28 Al Hassan Defence Team [REDACTED]
Subject: RE: The Prosecutor v. Al Hassan: ICC-01/12-01/18-2110-Conf - Notice of the end of the Prosecution's presentation of evidence

Dear Trial Chamber X and Colleagues,

This is an oversight. L'Accusation s'en excuse.

Les délais pour la Défense sont ceux que la Chambre a indiqué et fixera en toutes choses.

Best regards,

Gilles

From: Taylor, Melinda <[REDACTED]>
Sent: 11 February 2022 12:37
To: Trial Chamber X Communications [REDACTED]
Cc: V43 Victims Al Hassan Team <[REDACTED]>; Al Hassan Prosecution Team [REDACTED]; D28 Al Hassan Defence Team [REDACTED]
Subject: Fw: The Prosecutor v. Al Hassan: ICC-01/12-01/18-2110-Conf - Notice of the end of the Prosecution's presentation of evidence

Dear Trial Chamber X,

On 5 January 2022, the Single Judge clarified, in response to an OTP application for further time to submit its bar table applications, 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.

In a subsequent ruling, the Single Judge granted the Defence an extension of time to submit its response to these applications, such that the response is now due on 18 February 2022. It follows that further to the 5 January ruling, the Prosecution was precluded from filing its formal notice concerning the conclusion of its case, before 18 February 2022. The Defence has relied on this deadline for essential preparation and it would be unfair and prejudicial to modify it without timely notice to the Defence.

For these reasons, the Defence respectfully requests the Single Judge to confirm that in line with the 5 January ruling, the current notice is premature and must be resubmitted.

Kind regards

Melinda Taylor on behalf of the Al Hassan Defence