

# **ANNEX 21**

**PUBLIC REDACTED**

**From:** Trial Chamber X Communications  
**Sent:** 08 June 2022 11:50  
**To:** D28 Al Hassan Defence Team ([REDACTED]) Al Hassan Prosecution Team  
**Cc:** V43 Victims Al Hassan Team ([REDACTED]) Trial Chamber X Communications; Chamber Decisions Communication  
**Subject:** TC X: Single Judge ruling on Request to add an item to the list of materials of the Prosecution

Dear Counsels,  
 Dear colleagues,

The Single Judge is unconvinced by the reasons submitted in support of the Prosecution's below request seeking a late addition to its List of items and further considers that use of the items with D-0272 will not assist in the determination of the truth.

Kind regards,  
 On behalf of the Single Judge of TC X

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**From:** [REDACTED]  
**Sent:** 08 June 2022 11:28  
**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:** RE: Request to add an item to the list of materials of the Prosecution

Dear Trial Chamber X

The Prosecution further adds to its request the following video:

**MLI-OTP-0018-0379** - video 4 minutes and 47 seconds, at 00 :02 :13 to 00 :03 :40

**Transcript MLI-OTP-0069-7535**

**Translation MLI-OTP-0069-7539, at p.7542, at lines 50-73.**

The Prosecution observes that that this is in response to the witness's testimony today that the Accused is a "peace loving" man.

Kind regards

[REDACTED]  
 Trial Lawyer

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**From:** [REDACTED]  
**Sent:** 08 June 2022 11:18  
**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:** Request to add an item to the list of materials of the Prosecution  
**Importance:** High

Dear Trial Chamber X

The Prosecution requests authorisation under regulation 35 of the Regulations of the Court, for the Prosecution to add to its list of materials for this witness, a video MLI-OTP-0018-0187 which is an extremely short duration of 8

seconds . It is a video depicting the Accused flogging a man. The item has already been formally submitted as evidence in the record.

The Prosecution would like to present this video in response to the witness's specific response in testimony this morning that he considers that flogging a person for drinking alcohol is "radical" in his view. The Prosecution refers to T-182-FRA, p. 31, l.12-17.

31:12 Q. [10:47:42] Et pour préciser votre opinion, Monsieur le  
13 témoin, est-ce que vous considérez que la flagellation d'une  
14 personne personne personne elle a but de l'alcool, c'est, à votre opinion, quelque  
15 chose de radical ?

16 R. [10:48:08] Mais bien sûr. Tout ce qu'on demande à quelques  
17 eu de faire contre son gré, pour moi, c'est radical.

This is relevant to the main aspect of his testimony that he does not consider Mr. Al Hassan to be a radical person.

The Prosecution submits that it is in the interests of justice that the Prosecution have an opportunity to show this short extract to the witness and to give him an opportunity to clarify his views regarding the Accused. The Prosecution would first ask the witness if he was aware of the Accused's role in the flogging of others in Timbuktu, before showing the video.

Kind regards

  
Trial Lawyer