

# **ANNEX 1**

**PUBLIC REDACTED**

**From:** Trial Chamber X Communications  
**Sent:** 08 April 2022 15:17  
**To:** D28 Al Hassan Defence Team  
**Cc:** Associate Legal Officer-Court Officer; [REDACTED]  
[REDACTED] V43 Victims Al Hassan Team; Al Hassan Prosecution Team; Trial Chamber X Communications; Chamber Decisions Communication  
**Subject:** TC X: Instructions following receipt of Defence proposed schedule for May -early June 2002

Dear Counsels,

As stated before, the Chamber recalls that it will retain a flexible approach to facilitate the Defence's preparations, including by accommodating (last minute) requests for changes in the order of witnesses and sitting in evidentiary blocks if necessary. Moreover, the Chamber already stated that the calling party is best placed to determine the order of appearance of its witnesses (ICC-01/12-01/18-1756, para. 13).

However, the Chamber also emphasises that the sitting scheduled is determined by the Chamber. In this regard, the sitting schedule in the present case has been set and notified long in advance (email decision 11 February 2022) as part of a broader co-ordination of hearing dates within the Trial Division. In light of the five trials which are proceeding concurrently, a series of consultation have taken place to fix coordinated evidence blocks which would ensure optimum use of court time and balance as to the available hearings days as between the different Chambers.

The Chamber notes that the proposed schedule sent by the Defence on 7 April includes the planned testimony of its five experts. The proposal pre-supposes that the Chamber will vacate 7 days of hearings. The Chamber expects the Defence to send a new proposal which adapts to the schedule set by the Chamber and plan for its witnesses to appear when the Chamber expects to sit. This must be possible noting that hearings will only resume in 4 weeks' time and that the individuals appearing on the Defence's Final Witness List are all to be scheduled.

In light of the above, the Chamber instructs the Defence to take all necessary steps, in consultation with the Registry, to identify and plan the testimony of additional witnesses who will appear on days currently proposed to be vacated, especially but not limited to from 9 to 16 May.

Finally, the Chamber reiterates that the sitting schedule is, in principle, not flexible and that the Defence must accordingly, for all upcoming monthly lists still to be provided, plan for its witnesses to appear for all planned hearing days.

Kind regards,  
On behalf of Trial Chamber X

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**From:** Taylor, Melinda <[REDACTED]>  
**Sent:** 7 avril 2022 17:56  
**To:** Trial Chamber X Communications [REDACTED]

**Subject:** Schedule for May -early June

Dear Trial Chamber X, Dear Colleagues,

Please find below the putative testimony dates for Defence witnesses from 9 May - 8 June:

17 May: Testimony of D-0501  
 18 May: Testimony of D-0501  
 25 May: Testimony of D-0500  
 30 May: Testimony of D-0025 (half day)  
 31 May: Testimony of D-0025  
 1 June: Testimony of D-0025 (half day)  
 1 June: Testimony of D-0020 (half day)  
 2 June: testimony of D-0020  
 3 June: Testimony of D-0020 (if necessary)  
 6 June: Testimony of D-0502  
 7 June: testimony of D-0502  
 8 June: testimony of D-0502 (if necessary)

There were various factors that necessitated these dates:

- It was not feasible to organise a video link to UK in the time available (despite the request being made on 31 March);
- It was very difficult to schedule extremely busy experts to come to The Hague, taking into account the ongoing PCR/quarantine requirements;
- There are two witnesses who will be examined consecutively by [REDACTED] [REDACTED] D-0025 was not available until the last week of May and D-0500 and D-0501 can only testify on the dates for which they are currently scheduled.
- This schedules also takes into account the fact that Defence resources are currently deployed in connection with the finalisation of witness statements and the preparation of multiple court submissions (including the Rule 68(2) submission, due on 30 April).
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Kind regards,

Melinda Taylor, on behalf of the Al Hassan Defence

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