

Annex 1

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[REDACTED]

From: Trial Chamber I Communications
Sent: 15 December 2023 15:23
To: Abd Al Rahman Prosecution Team; D31AbdAlRahmanDefenceTeam [REDACTED]
V47AbdAlRahmanLRVTeam [REDACTED]
Cc: Trial Chamber I Communications; Associate Legal Officer-Court Officer; FS Items
Communication
Subject: Decision on the submission of evidence through D-0008
Attachments: D-0008 - Prosecution's List of Material for Submission; D-0008 List of Submission

Dear counsel,
Dear colleagues,

Following the testimony of D-0008, the Chamber notes the submission of 5 items by the Defence (e-mail of 21 November 2023, at 17:07) and of 8 items by the Prosecution (e-mail of 22 November 2023, at 15:39).

Noting that the items identified by the Defence were used and discussed with D-0008, and that these are unopposed (e-mail of 21 November 2023, at 17:35), the Chamber hereby recognises them as formally submitted.

In relation to the items identified by the Prosecution, the Defence objects to the submission of items 1, 7 and 8 on the Prosecution's list (e-mail of 24 November 2023, at 15:33).

As regards items 1 and 7, the Chamber notes it already recognised them as formally submitted through D-0011 (see e-mail decision of 27 November 2023, at 12:02; Decision on the Defence's requests for reconsideration and for leave to appeal the rulings on the use and submission into evidence of certain items by the Prosecution, 15 December 2023, ICC-02/05-01/20-1047). Thus, this part of the request and submission of the parties in this regard are moot.

In respect of item 8, the Chamber observes the Defence's objection on the grounds that it would be duplicative of a video already on the record of the case. It argues that the Prosecution does not articulate why it would be of assistance to the Chamber, particularly since the video was not used by the Prosecution during its cross-examination of D-0008. The Chamber rejects these objections.

As observed by the Prosecution in its reply (e-mail of 24 November 2023 at 17:31), the disputed video was used by the Chamber in its questions for D-0008. Moreover, as noted by the Prosecution, whereas the non-subtitled version of the disputed video is already on the record of the case, the Chamber finds that the submission into evidence of the video used in court is necessary for the completeness of the trial record.

Finally, the Chamber notes the parties' agreement that the Defence liaises with the Registry language services to provide an independent review of the audio (e-mails of 24 November 2023, at 15:33 and at 17:31).

Accordingly, and pursuant to Article 69(3) of the Rome Statute, the Chamber recognises as formally submitted items 2, 3, 4, 5, 6 and 8 as identified in the Prosecution's e-mail of 22 November 2023, at 15:39.

The Registry is therefore directed to proceed in accordance with paragraph 31(iv) of the Directions on the conduct of the proceedings (filing 478).

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

[REDACTED]

From: Kalb, Eva [REDACTED]
Sent: 21 November 2023 17:07
To: Trial Chamber I Communications
Cc: Abd Al Rahman Prosecution Team; V47 Abd Al Rahman LRV Team; D31 Abd-Al-Rahman Defence Team; Associate Legal Officer-Court Officer
Subject: D-0008 List of Submission
Attachments: D-0008 Defence List for Submission .pdf

[ICC] RESTRICTED

Dear Trial Chamber I,
Dear Parties,

Please find attached the Defence's List of Materials for Submission, following D-0008's testimony. For ease of reference, the relevant transcript portions in which the items were used are indicated on the List.

Kind regards,
Eva Kalb

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Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman
Case No. ICC-02/05-01/20

Defence List for Submission for Witness D-0008

#	ERN	Title	Document Type	Used at
2	DAR-D31-00000139	ID Card 1	Identifying document	T-139 ENG RT, p. 5, lns. 1-16
3	DAR-D31-00000140	ID Card 2	Identifying document	T-139 ENG RT, p. 5, lns. 17-25 to p. 6, lns. 1-25.
4	DAR-D31-00000141	Laissez-Passer	Administrative and travel related documents	T-139 ENG RT, p. 7, lns. 1-16.
5	DAR-D31-00000218	Translation / ID Card 1	Translation - ENG	T-139 ENG RT, p. 5, lns. 1-16
6	DAR-D31-00000219	Translation / ID Card 2	Translation - ENG	T-139 ENG RT, p. 5, lns. 17-25 to p. 6, lns. 1-25.

From: Sabatini, Claire
Sent: 22 November 2023 15:39
To: Trial Chamber I Communications
Cc: D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team; Abd Al Rahman Prosecution Team; Associate Legal Officer-Court Officer
Subject: D-0008 - Prosecution's List of Material for Submission
Attachments: D-0008 - Prosecution's List of Material for Submission.pdf

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Dear Trial Chamber I,

Please see attached the Prosecution's List of Material for Submission for D-0008.

The Prosecution has included the video at DAR-OTP-00000236 which is the subtitled version of DAR-OTP-0215-2697. The non-subtitled version of the video (DAR-OTP-0215-2697) was already submitted into evidence along with its transcript (DAR-OTP-0220-3194) and translation (DAR-OTP-0220-3199). Since the subtitled version (DAR-OTP-00000236) simply copies the submitted translation into the video, the Prosecution submits that DAR-OTP-00000236 should be submitted as well and may be of assistance to the Chamber. Furthermore, witness D-0008 also viewed and commented on DAR-OTP-00000236 at length.

For clarity here is a table of the relevant ERNs

ERN	Description	EVD - Status
DAR-OTP-0215-2697	Original / non-subtitled version	Fully submitted
DAR-OTP-0220-3194	Transcript	Fully submitted
DAR-OTP-0220-3199	Translation of Transcript	Fully submitted
DAR-OTP-00000236	Subtitled version of DAR-OTP-0215-2697	Not yet submitted

Thank you.

Kind regards,

Claire Sabatini

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Prosecution's List of Material for Submission – Witness D-0008

#	ERN (e-Court/JEM)	Type	Title	Transcript Reference/s
1.	DAR-OTP-00005867	Photograph/s	Image extracted from DAR-OTP-00000510.pdf	T-139-ENG-ET, 69:16-20
2.	DAR-OTP-00005953	Photograph/s	Image extracted from DAR-OTP-00005254.PDF	T-139-ENG-ET, 70:6-8
3.	DAR-OTP-00005876	Photograph/s	Image extracted from DAR-OTP-00005289.PDF	T-139-ENG-ET, 70:9-12
4.	DAR-OTP-00005872	Photograph/s	Image extracted from DAR-OTP-00005309.PDF	T-139-ENG-ET, 72:12-17
5.	DAR-OTP-00005873	Photograph/s	Image extracted from DAR-OTP-00005344.PDF	T-139-ENG-ET, 72:20-24
6.	DAR-OTP-00005874	Photograph/s	Image extracted from DAR-OTP-00005364.PDF	T-139-ENG-ET, 72:25-73:2
7.	DAR-OTP-00006581	Translation - ENG	Translation of DAR-OTP-00005660.docx	T-139-ENG-ET, 73:16-74:13
8.	DAR-OTP-00000236	Audio / Video Material	DAR-OTP-0215-2697_HQ_V2.mp4	T-139-ENG-ET, 78:11-85:4