

ANNEX 12

Public Redacted

From: Trial Chamber VI Communications
Sent: 09 February 2024 16:27
To: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV; Associate Legal Officer-Court Officer
Cc: Trial Chamber VI Communications; ██████████ Chamber Decisions Communication
Subject: Adjustments to the Court Schedule & Related Directions

Dear Parties and Participants,

Prosecution Request for variation of time limit for the submission of an updated List of Witnesses

The Chamber has considered the Prosecution's request for a variation of time limit for the submission of an updated List of Witnesses. The Chamber notes that Common Legal Representative indicated that she would not submit a response and that the Defence stated that it did not object to the requested extension.

Under these circumstances, and considering that the Prosecution has shown good cause, the Chamber grants an extension to submit an updated List of Witnesses **by no later than 15 March 2024**.

Cancellation of hearings and related directions

The Chamber has also taken note of the fact that both P-0622 and P-1808 are no longer available to testify in this block. As a result of this, the Chamber has to **cancel the hearing that were scheduled for 8-9, 12-13 and 15-16 February 2024**. The parties are reminded to copy the Registry in future communications about issues that may affect the hearing schedule.

The Chamber further reminds the Prosecution that in paragraph 11 of the Additional Directions on the Conduct of Proceedings (#479), it instructed the parties to ensure that "that there will be no gaps between witnesses and that the next witness will be available to commence testifying as soon as the previous one has finished. To this end, the calling party shall, to the extent possible and in close consultation with the VWU, identify alternative witnesses in the Witness Schedule to ensure that no unnecessary gaps are created by last minute cancellations or early conclusion of a witness's testimony."

The Chamber understands that the Prosecution was informed quite late about the precise hearing schedule for this block and does not doubt that it made its best efforts to find and prepare witnesses. The Chamber also understands that things may happen that are beyond the control of the parties and the VWU. Nevertheless, the Chamber expects that situations like this can be avoided in the future. To that end, the Chamber instructs the parties to collaborate more closely in terms of preparing the hearing schedule. In particular:

- i. The calling party should consult with the non-calling party early in the planning process regarding the timing for each witness before submitting the schedule of appearance. This is especially important in relation to witnesses whose testimony may be introduced pursuant to rule 68(3) of the Rules of Procedure and Evidence. The non-calling party is expected to provide a realistic estimate of how long it expects its cross-examination to last. This estimation does not affect the opposing party's allotment of time for cross-examination. If more time than initially estimated is needed, the Chamber will not restrict the cross-examination, but will remain vigilant to ensure that the additional time is used effectively.
- ii. The calling party should identify an alternative witness at the beginning of each block and liaise sufficiently in advance with the non-calling party and the VWU to ensure that the alternative witness is able to testify if required and that the non-calling party is able to sufficiently prepare for its cross-examination.

The Chamber instructs the Prosecution to provide the revised order of appearance for the next block as soon as possible in accordance with the instructions above.

Adjustments to Court Schedule

Connected with the foregoing, the Chamber has considered the Medical Officer's recommendations (as revised) concerning Mr Said's ability to attend hearings and the views of the Defence. The Chamber decides to adopt the Medical Officer's recommendations (as revised) and adjusts the hearing schedule accordingly:

- 26-27 February – two morning sessions in person
- 29 February-1 March – two morning sessions in person
- 4 March 2024 – two morning sessions in person
- 6 March 2024 – two morning sessions in person
- 7 March 2024 – two morning sessions in person
- 19 March – three sessions in person
- 20-22 March – two morning sessions in person

- 25-26 March – three sessions in person
- 27-28 March 2024 – two sessions in person

Court Schedule following the Spring Recess

In order to facilitate the parties' and participants' future planning efforts, the Chamber informs them that it has provisionally scheduled the following hearings after the Spring Recess. It is the Chamber's intention to sit full time, however, due to constraints on the part of the Registry, the present prediction is that on certain days the Chamber is only able to sit for two sessions:

- 15-19 April 2024 – two morning sessions
- 22-25 April – no hearings
- 29 April - 3 May 2024 – three sessions (pending recommendations from the Medical Officer, if any)
- 6-17 May 2024 – no hearings
- 20 -24 May 2024 – two morning sessions
- 27-31 May 2024 – three sessions (pending recommendations from the Medical Officer, if any)
- 3-7 June 2024 – no hearings
- 10-14 June 2024 – two morning sessions
- 18-21 June 2024 – two morning sessions
- 24-28 June 2024 – three sessions (pending recommendations from the Medical Officer, if any)
- 1-5 July 2024 – no hearings
- 8-12 July 2024 – two morning sessions
- 15-19 July 2024 – two morning sessions
- 22-26 July 2024 – three sessions (pending recommendations from the Medical Officer, if any)

As before, this schedule may be revised in light of the recommendations of the Medical Officer. This is also the case should the predicted constraints on the part of the Registry be alleviated. The Chamber will ensure the parties and participants have sufficient notice in advance should the schedule change.

Kind regards,

Trial Chamber VI