

ANNEX 19

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Version

trialchamber [REDACTED]

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[ICC-01/21-01/25 - Public] Decision in relation to the Prosecution's Submission of the Provisional List of Witnesses and the Provisional List of Evidence

To OTP [REDACTED]

Copy D36 Duterte [REDACTED]

TrialChamber [REDACTED]

V50 [REDACTED] legal representatives team [REDACTED]

Dear colleagues,
Dear counsel,

The Chamber notes the Prosecution's submission of the provisional list of witnesses and list of evidence (filing 474 and annexes).

The Chamber observes that in footnote 5 of their main filing, the Prosecution has indicated, that they intend to provide the breakdowns of witness testimonies "no later than one week in advance of their schedule testimony".

The Chamber recalls that already in the first status conference it instructed the Prosecution to provide such a breakdown in schedule form for witnesses for whom there is no statement but an interview transcript (T-009, pp. 12-13). In its Directions on the conduct of proceedings, the Chamber clarified that this instruction applied to all witnesses interviewed pursuant to Article 55, and not as suggested by the Prosecution, for a limited amount of these witnesses (filing 471, para. 15 and footnote 39).

In its submission of the provisional List of Witnesses, the Prosecution appears to have misinterpreted the above directions of the Chamber, which clearly fall within the paragraph related to the List of Witnesses due on 31 August 2026.

The appropriate avenue would have been for the Prosecution to request an extension of time limit pursuant to Regulation 35 of the Regulations of the Court, or at least seek clarification of the Chamber's directions (see paragraph 10 of the Directions on the conduct of proceedings).

Nonetheless, considering the Prosecution's submissions during the second status conference (T-010, p. 4), the Chamber hereby extends the Prosecution's time-limit as follows. The Prosecution shall transmit: (a) together with its List of Witnesses the breakdown in schedule form of all Article 55 witnesses they intend to call in 2026 by 31 August 2026; and (b) the breakdown in schedule form of all remainder Article 55 witnesses, no later than 30 November 2026.

Kind regards,
Trial Chamber III