

Annex 14

Public Redacted

From: Trial Chamber X Communications
Sent: 17 March 2020 11:04
To: Dubuisson, Marc; [REDACTED]
Cc: [REDACTED] Dutertre, Gilles; [REDACTED]
 [REDACTED] Taylor, Melinda; [REDACTED]
 [REDACTED] olumbia, Seydou; Kassongo, Mayombo;
 Nsita Luvengika, Fidel; [REDACTED]
 [REDACTED] Trial Chamber X Communications; Trial Chamber
 X Legal Team
Subject: TC X - Decision on Registry proposal for the suspension of judicial deadlines (17-27 March 2020)
Follow Up Flag: Follow up
Flag Status: Flagged

Dear colleagues,

On behalf of the Judges of Trial Chamber X, please find below a decision on the recent Registry proposal sent via email yesterday at 17:12 (see below) and addressing all Trial Chambers:

The Chamber notes the Registry's suggestion for this Chamber, amongst others, to consider allowing the suspension of judicial deadlines between 17 and 27 March 2020, thereby proposing a variation of the time limits set for any judicial documents due during this period. The Registry points to exceptional circumstances related to the recent Corona-virus outbreak, specifically the fact that staff, counsels, and their respective teams, will need to adjust to working from home. In the view of the Registry, this would give all an opportunity to adjust to these new circumstances so that the Court can be fully operational as soon as possible.

The Chamber notes the exceptional nature of the current circumstances and finds it important to give due regard, in the exercise of its discretion, to the protection of personal health in general. The Chamber however notes that the deadlines falling within the relevant period include almost exclusively responses by the Defence to Prosecution request for exception to disclosure (requests 639, 641, 645, and 646). In this regard, the Chamber recalls that, yesterday, the Defence sought a confirmation that existing deadlines would remain, stressing Mr Al Hassan's right to an expeditious trial as well as the fact that he remains in detention.

Accordingly, in the circumstances, and in line with the Single Judge's email decision of yesterday at 12:21 (see further below), the Chamber does not find it appropriate to suspend judicial deadlines between 17 and 27 March 202. The Registry's proposal is therefore not retained for the purpose of the Al Hassan trial proceedings.

The Chamber however understands that flexibility will be required from all in the coming weeks. Should the need arise, and on a case-by-case basis, the Chamber can entertain discrete motions from the parties and participants to vary specific deadlines. Further, with a view to accommodate the parties and participants, and also to relieve the Registry from some technical tasks falling within its mandate, the Chamber recently invited specific submissions expected this week to be provided via email. In principle, and during the course of the next two weeks, the Chamber will accept requests and submissions made via email, but recalls that parties and participants are expected to copy one another, unless an ex parte classification is warranted. Finally, the Chamber is amenable to consider other facilitating measures which could assist the Registry's various units in complying with their respective mandates.

The Chamber is thankful for the Registry for bringing this matter to its attention.

Best regards,

From: [REDACTED]

Sent: 16 March 2020 17:12

To: Pangalangan, Raul; Perrin de Brichambaut, Marc; Herrera-Carbuccia, Olga; Kovacs, Peter; Henderson, Geoffrey; Chung, Chang-ho; Prost, Kimberly; Fremr, Robert; Alapini-Gansou, Reine; Schmitt, Bertram; Mindua, Antoine; Akane, Tomoko

Cc: Lewis, Peter; [REDACTED]

Subject: For consideration by the Trial Chambers

Your Honours,

Considering the deteriorating conditions following the Corona-virus outbreak and with a view to protecting personal health in general, the ICC premises will not be accessible to persons other than skeleton staff in very exceptional cases as of 17 March 2020. In this regard, measures have been taken by the Registry since last week to ensure that staff can perform their duties from home.

Such measures include extending the current technical infrastructure by procuring an additional 900 Citrix licenses (the tool that enables ICC staff to work from home), and ensuring video conferencing capability to enable staff to discuss work related matters. Additional measures have been taken, and these have an effect on detained persons to the extent that members of the defence teams will not be authorized to visit their clients for the time being.

Therefore, and taking into consideration the fact that Counsel and team members will not be able to hold viva-voce meetings with their clients, and that staff, parties and participants will need to adjust to working from home (it is expected that all Citrix licenses will be in place in 7 days from now, however the Court currently does not have the ability to facilitate disclosure through Citrix), the Registrar appeals to each Chamber to take into consideration the specific challenges that this unprecedented situation has brought upon us.

For this reason, the Registrar respectfully requests that each Chamber consider, on an exceptional basis, allowing the suspension of judicial deadlines between 17 and 27 March 2020 and therefore varying the time limits for judicial documents to be filed with the Court, in order to give staff, parties and participants to the proceedings the opportunity to adjust to these new circumstances so that we can be fully operational as soon as possible.

The Registry remains available for further information in relation to this proposal.

Sincerely Yours,
Marc

Marc Dubuisson

Director - Directeur

Division of Judicial Services – Direction des services judiciaires
International Criminal Court – Cour pénale internationale

[REDACTED]

From: Trial Chamber X Communications

Sent: 16 March 2020 12:22

To: [REDACTED] Taylor, Melinda; [REDACTED]

Cc: [REDACTED] Dutertre, Gilles; [REDACTED]

[REDACTED] Doumbia, Seydou; Kassongo, Mayombo; [REDACTED] Nsita

Luvengika, Fidel; [REDACTED] Trial Chamber X Communications

Subject: TC X - Existing deadlines

Dear Counsel,

The Single Judge notes that, at this stage, existing deadlines remain in place. If the need arises, the Chamber can entertain discrete motions from the parties and participants to vary specific deadlines, or to amend the modalities of implementation of its prior decisions and orders, on the basis of the recent change in circumstances.

Best regards,

On behalf of the Single Judge of Trial Chamber X

From: Taylor, Melinda

Sent: 16 March 2020 10:48

To: Trial Chamber X Communications

Cc: Dutertre, Gilles; [REDACTED] Doumbia, Seydou;

Kassongo, Mayombo; Nsita Luvengika, Fidel; [REDACTED]

Subject: Deadlines
Importance: High

Dear Trial Chamber X Communications, Dear Colleagues,

I would firstly like to express my sincere hope that everyone is well, and in good health.

Secondly, in light of the fact that Mr. Al Hassan remains detained, and in order to preserve his right to a speedy trial, we would like to obtain confirmation that existing deadlines will be maintained, and that the disclosure schedule will be adhered to. We remain available to discuss any practical modalities that might be required, in order to ensure that this occurs.

Kind regards,

Melinda Taylor, on behalf of the Defence for Mr. Al Hassan

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