

Status Conference

(Open Session)

ICC-02/05-01/20

1 International Criminal Court

2 Trial Chamber I

3 Situation: Darfur, Sudan

4 In the case of The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb") -

5 ICC-02/05-01/20

6 Presiding Judge Joanna Korner, Judge Reine Alapini-Gansou and Judge Althea Violet

7 Alexis-Windsor

8 Status Conference - Courtroom 3

9 Wednesday, 24 April 2024

10 (The hearing starts in open session at 11.09 a.m.)

11 THE COURT USHER: [11:09:32] All rise.

12 The International Criminal Court is now in session.

13 Please be seated.

14 PRESIDING JUDGE KORNER: [11:09:51] Yes. Good morning, all. We are of course
15 in open session.

16 If, for some reason, we need to go into private session for any of this discussion, then of
17 course we will do it.

18 Yes. Could we have the appearances from the Prosecution.

19 MR NICHOLLS: [11:10:10] Good morning, Madam President. Good morning, your
20 Honours. Good morning to everybody.

21 Myself, Julian Nicholls, with Laura Morris, Alison Whitford and Claire Sabatini.

22 Thank you.

23 PRESIDING JUDGE KORNER: [11:10:22] Yes. And the Defence.

24 MR LAUCCI: [11:10:26] Good morning, Madam President. Good morning, judges.

25 Good morning, colleagues.

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1 Together with Mr Abd-Al-Rahman present in the courtroom this morning, legal
2 assistant Ahmad Issa, counsel Iain Edwards and myself, Cyril Laucci, counsel.

3 PRESIDING JUDGE KORNER: [11:10:41] Thank you very much, Mr Laucci.

4 Finally, the representatives of the victims.

5 MS VON WISTINGHAUSEN: [11:10:47] Good morning, Madam President, your
6 Honours, dear colleagues. The participating victims are represented by associate
7 counsel, Anand Shah; case manager, Saif Kassis; visiting professional, Kathryn Ravey;
8 our intern, Henriette Willberg; and myself, Natalie von-Wistinghausen. Thank you.

9 PRESIDING JUDGE KORNER: [11:11:03] Thank you very much.

10 All right. This is a status conference, really, to deal with the Defence's application for
11 what they call an extension for the provision of the definitive witness and exhibit list.
12 Before I carry on with that --

13 (Discussion between the Chamber and the court officer)

14 PRESIDING JUDGE KORNER: [11:11:45] Oh, the registry. Thank you. Sorry about
15 that.

16 MR VANAVERBEKE: [11:11:47] Good morning, your Honours.

17 Pieter Vanaverbeke, counsel support section, registry.

18 PRESIDING JUDGE KORNER: [11:11:53] Yes, Thank you very much. Sorry,

19 Mr Vanaverbeke, I had forgotten you were attending.

20 Before we deal with that, are there any other matters that any side wants to raise this
21 morning?

22 Mr Laucci.

23 MR LAUCCI: [11:12:11] I intend to take this opportunity of today to update the
24 Chamber, once again. Even though our last report is dated Friday, there are some new
25 developments that I would like to mention to the Chamber. Of course, that will be --

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1 will not be in open session.

2 PRESIDING JUDGE KORNER: [11:12:25] No.

3 MR LAUCCI: [11:12:26] And, yes, finally, I would like also to - that will form part of
4 the update - draw the consequences of what happened yesterday in this courtroom for
5 the future of the appearance of the Defence witnesses.

6 PRESIDING JUDGE KORNER: [11:12:49] Right. Okay. Well, that's an interesting
7 thought.

8 All right. In which event, let's move straight to your application and the responses
9 received from the Prosecution and the representatives of the victims.

10 Is there anything you want to add, Mr Laucci, to what's in the application?

11 MR LAUCCI: [11:13:15] Not really, Madam President. If you mean a reply to what
12 has been responded --

13 PRESIDING JUDGE KORNER: [11:13:24] Well, if you want, I'll give you leave to reply
14 to the responses. Effectively, the responses say -- and I may say at the moment the
15 trial Chamber is rather inclined to accept that the responses are correct, that this is a
16 misconceived motion because what you should have actually been doing is applying
17 for leave to add those witnesses, D-3 -- sorry, just let me get the numbers --

18 MR LAUCCI: [11:13:56] 38 and 39.

19 PRESIDING JUDGE KORNER: [11:13:57] -- 38 and 39, under regulation 35.

20 I mean, effectively, in the status -- I looked up the status conference of 23 March, I think
21 it was, 21 March, and you offered a definitive witness list by 15 April. As far as we
22 were concerned, we were exceptionally allowing you to not serve -- well, your
23 definitive witness list should have been September of last year, but because of the
24 circumstances, we have allowed it as what we called a rolling basis. And indeed, I
25 said, and I'm looking at page 19 of the corrected version of 21 March, at line 20, where I

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1 think we were dealing with D-36 after that, I say, "On witnesses, you're due to file a
2 final list of witnesses on 15 April. I'm assuming it may be the final, but not the final
3 final final," because this is --

4 MR LAUCCI: [11:15:30] And I confirmed.

5 PRESIDING JUDGE KORNER: [11:15:32] Yeah. And you said -- no, what you said,
6 Mr Laucci, was, "That will be the final."

7 MR LAUCCI: [11:15:37] Subject to, I think. There must be a "subject to."

8 PRESIDING JUDGE KORNER: [11:15:41] No. You said, "That will be the final
9 notwithstanding the results of our resource person's trip to Rahad al-Berdi. That's the
10 best I can do in terms of any commitment."

11 MR LAUCCI: [11:15:52] Yes, "notwithstanding", which is "subject to". I think I was
12 talking in French, maybe the "notwithstanding" translation should have been "subject
13 to".

14 PRESIDING JUDGE KORNER: [11:16:02] Yes, you were talking in French.

15 MR LAUCCI: [11:16:04] Yes.

16 PRESIDING JUDGE KORNER: [11:16:05] Yeah. And then finally on this aspect, I
17 said, "And don't forget that you need to file a regulation 35 request for any of your new
18 witnesses that you find."

19 MR LAUCCI: [11:16:17] Yes.

20 PRESIDING JUDGE KORNER: [11:16:18] And so that's really what you should have
21 been doing, instead of saying, "Please, can we adjourn the final witness list until May."
22 And that's what is pointed out by both the Prosecution and the CLRV and we have
23 some -- I think that's justified.

24 MR LAUCCI: [11:16:39] Well, I was surprised when I read the responses, and when I
25 hear you, Madam President, I'm now diving into a misunderstanding, as simple as this,

1 because what we have understood is that we have -- we had a deadline, which was 15
2 April, to submit our list of witnesses, which we did. If we had had to apply for an --
3 well, to apply for an extension of deadline to add new witnesses on 15 April, then I fail
4 to understand what was the point of the 15 April deadline, one; and I fail to understand
5 how the list that I could submit on 15 April could have been in any way different from
6 the list that was submitted in September, because if I had no possibility on 15 April to
7 add witnesses, then the list would have been the same as in September.

8 PRESIDING JUDGE KORNER: [11:17:42] Well, it wasn't, actually, because the
9 September list has got other witnesses, I think, on it.

10 But, in any event, that's not the point. D-38 and 39 are new witnesses.

11 MR LAUCCI: [11:17:59] They are.

12 PRESIDING JUDGE KORNER: [11:18:00] They are. You give no explanation, as you
13 should do under the regulation, as to why there is such a late addition and what the
14 reasoning behind all of this was.

15 MR LAUCCI: [11:18:16] No, we don't.

16 PRESIDING JUDGE KORNER: [11:18:17] No. But that's what you're supposed to do
17 as, mainly, I think the CLRV point out.

18 MR LAUCCI: [11:18:25] We did not, because since we had a deadline for 15 April and
19 we were complying with this deadline, we did not see the point of providing
20 justification for an extended deadline because we were respecting it. That's where I
21 think there is a big misunderstanding.

22 Our understanding on the Defence side was that as long as we filed and we announce
23 the new witnesses before 15 April, there was no need for extension. And this is the
24 reason why, in addition to filing the list of 15 April, we made an application, saying,
25 "Well, we are trying to reach Sudan" - we are still in public - "we are trying to make

1 further investigation and if that is successful, then we may add some witnesses."
2 That's the purpose of the application that you have in the same filing of the 15th.
3 PRESIDING JUDGE KORNER: [11:19:19] Yes. But you may add some witnesses.
4 You've still got to properly make an application, otherwise regulation 35 becomes
5 completely otiose. I agree that because of what we have accepted were the problems,
6 we have taken what might be described and probably will be described as an
7 exceedingly relaxed view of your provision of the witnesses. But there's got to come a
8 point where there is a stop, and that point was reached, in our view - and obviously, as
9 you say, you didn't understand it as such - in March when we said, "Look, any new
10 witnesses added, you've got to make an application under regulation 35".
11 MR LAUCCI: [11:20:17] But what was --
12 PRESIDING JUDGE KORNER: [11:20:18] And those included, obviously, 38 and 39,
13 because at that stage there was very little information.
14 MR LAUCCI: [11:20:26] Well, then, of course we totally misunderstood, but what was
15 the purpose of the 15 April deadline, then?
16 PRESIDING JUDGE KORNER: [11:20:34] Well, the hopeful purpose, you know, was
17 that that would be the end of it, and, you know, any new witnesses, such as 38 and 39,
18 would have been applied for under the proper regulation.
19 It's quite clear from what you say that you don't intend this to -- you're not prepared to
20 say that is the end of it, that you may still be hoping for other witnesses.
21 MR LAUCCI: [11:21:09] Well, we keep hope.
22 PRESIDING JUDGE KORNER: [11:21:09] All right. Well, anyhow, that's the view we
23 take. You say there's a misunderstanding and we'll just have to --
24 MR LAUCCI: [11:21:19] And now that I hear you, Madam President, and I realise that
25 there is a real misunderstanding, of course, I present my apologies for that

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1 misunderstanding because quite honestly, on the basis of what was said during the
2 status conference and on the basis of the email of 5 March, "In light of the Defence
3 submissions that it may still add witnesses to its list, the Chamber hereby instructs the
4 Defence to submit an updated list of witnesses with any regulation 35 request no later
5 than 15 April 2024", in our understanding this is exactly what we did.

6 THE INTERPRETER: [11:21:55] Note from the interpreters: Can we slow down a
7 little bit, please.

8 MR LAUCCI: [11:21:58] Sorry.

9 PRESIDING JUDGE KORNER: [11:22:01] Sorry. Where's the regulation 35 which is
10 mentioned both by me in the status conference and is effectively adding -- if you want
11 to add new witnesses, you have to make an application.

12 But anyhow, all right --

13 MR LAUCCI: [11:22:15] Just to answer your question, I presume there is a second part
14 of the -- yes, it starts at paragraph 3, and with all the explanations, paragraph 3 to 6.

15 PRESIDING JUDGE KORNER: [11:22:30] Of your application?

16 MR LAUCCI: [11:22:32] Yes, the filing 1111.

17 PRESIDING JUDGE KORNER: [11:22:34] Yeah.

18 MR LAUCCI: [11:22:36] Yes. And precisely what is requested under regulation 35(1)
19 is to extend the final date of 15 April to 15 May. So that is a regulation 35 application,
20 and this is what we understood from your order and from the email that this is what
21 we were expected to do.

22 PRESIDING JUDGE KORNER: [11:23:08] Just a moment. We don't appear to have
23 any copy in this Court of the statute and the rules.

24 You've got one, have you? Thanks.

25 All right. Thank you. All right. Well, I mean, that -- one way or another -- I mean,

1 is there anything further you wanted to say? I think you said you wanted to update
2 us -- well, no, just on that aspect.

3 MR LAUCCI: [11:24:38] Well, I will repeat myself, Madam President, but if we have
4 misunderstood, all my apologies for that.

5 PRESIDING JUDGE KORNER: [11:24:44] All right. Yes.

6 Mr Nicholls, did you want to add anything to what's already in your ...

7 MR NICHOLLS: [11:24:48] Yeah. I will try to be very brief. We rely on our filing
8 and the very good filing by the LRV which had additional arguments.

9 But just in response to this, your Honour, I mean, I don't want to waste time, but it's
10 really incredible. The email on 5 March stated, as my friend read out, "In light of the
11 Defence's submission that it may still add witnesses to the list, the Chamber hereby
12 instructs the Defence to submit an updated list of witnesses with any regulation 35
13 request no later than 15 April". That is unambiguous. That says file it with, and, in
14 addition, the reg 35 request along with the list.

15 This screening, which I won't read out but I can mention of witness D-38, took place the
16 next day, right? So this was not far removed, how do we remember what the
17 Presiding Judge told us yesterday.

18 The next screening is on 12 March for 39, and then I might have the uncorrected
19 transcript, I'm not sure if this is corrected or not, but T-147, 21 March 2024, the same
20 day that you read an excerpt from, your Honour, at my page 20, lines 1 to 2:

21 "PRESIDING JUDGE KORNER: Yes, okay, and don't forget that you need to file a
22 regulation 35 request for any of your new witnesses that you find."

23 So absolutely unambiguous. The paragraphs my friend just read out are about them
24 asking for more time in order to file their final list

25 There is nothing in there about, "Here are the reasons why 38 and 39, there is good

1 cause to add them now”.

2 So I just have to make that for the record, I mean, for D-26, Mr Markey, and the two
3 experts, the Facebook expert and the PDF expert, we didn't raise a point. I noted that
4 there had not been a regulation 35 but in the future there should be. We are in the
5 future now. There is absolutely no reason.

6 And I just have to say it may be a misunderstanding, which is very hard to see because
7 your words are so unambiguous, but it's a cavalier attitude to meeting these deadlines.
8 It is absolutely cavalier. You see that from their filing, paragraph 8, where they recycle
9 all these excuses that have been kicked out. "We don't care what the Chamber said.
10 We don't care what the Appeals Chamber said. These are the reasons", force majeure.
11 So, I just have to make that point that I do not accept the explanation.

12 PRESIDING JUDGE KORNER: [11:27:33] Yes, all right.

13 Ms Von Wistinghausen, anything to add?

14 MS VON WISTINGHAUSEN: [11:27:40] I think we said everything in our
15 observations. I understand that there may be a misunderstanding. Notwithstanding
16 this misunderstanding, I think that the prerequisites for the good cause under
17 regulation 35 are not given. I mean, this is what we said in our filing. So if the
18 Chamber takes a different approach, at least it should be a different legal basis. I
19 think this is something that needs to be straightforward. But that's all I have to say at
20 this stage. Thank you.

21 PRESIDING JUDGE KORNER: [11:28:13] Yes, thank you very much.

22 All right. Before, then -- you wanted to update us on something else, Mr Laucci. We
23 are going to give a ruling today, in fact fairly quickly, but we'll rise just to discuss the
24 further points that you've raised. But before that happens - or, actually, I think you
25 need to go into private session? Right.

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- 1 Then I have got a few other matters. Firstly, the expert report. Now, I know,
2 Mr Nicholls, the expert on the -- yes, the PDF, you've still got, I think, until Friday to --
3 MR NICHOLLS: [11:29:03] I think we have until tomorrow, your Honour, and we will
4 respond.
- 5 PRESIDING JUDGE KORNER: [11:29:07] I was going to ask whether you could do
6 that verbally, whether you are going to be raising any objection to him being treated as
7 an expert?
- 8 MR NICHOLLS: [11:29:13] Oh, no.
- 9 PRESIDING JUDGE KORNER: [11:29:14] No.
- 10 MR NICHOLLS: [11:29:15] No, not to that. But as far as the admission and the
11 logistics of his testimony, sorry, that may there may be a little more discussion. But we
12 will respond fully on the PDF expert by tomorrow, which I think is our deadline, but
13 we do not raise any objection to his expertise.
- 14 PRESIDING JUDGE KORNER: [11:29:34] Right. May I say, having read the
15 statement, we think that's a very sensible and proper view to take.
- 16 MR NICHOLLS: [11:29:40] Just as I'm on my feet, it's the same for the Facebook
17 expert.
- 18 PRESIDING JUDGE KORNER: [11:29:45] Have you got a statement from him?
19 I don't think I've seen one.
- 20 MR NICHOLLS: [11:29:49] We have -- I will let my friend explain it better than me,
21 but I think the official version at the moment is in Dutch and is a sort of draft
22 translation, but an official English translation is coming and I'm sorry if I've misstated
23 any of that.
- 24 PRESIDING JUDGE KORNER: [11:30:04] Right.
25 Mr Edwards?

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- 1 MR EDWARDS: [11:30:05] That's right, yes. The final expert report was served last
2 week, or even the week before, I can't remember, but the definitive version is in Dutch.
3 The laboratory provided sort of a Google translate into English, and it's far from
4 perfect. So we have asked the language service section to --
- 5 PRESIDING JUDGE KORNER: [11:30:36] Tidy it up.
- 6 MR EDWARDS: [11:30:38] -- to tidy it up and to provide a more perfect English
7 version. And we have been told that that will be with us this week, so I guess that
8 means before the end of tomorrow.
- 9 PRESIDING JUDGE KORNER: [11:30:48] Right.
- 10 MR EDWARDS: [11:30:50] And, of course, that will be with my learned friend as soon
11 as we receive it.
12 But I'm sure my friend won't object to me saying this, we are actually in discussion to
13 see if there is a way that we can, as it were, short-circuit this matter in terms of what
14 could be stipulated to, perhaps.
15 So it's not absolutely certain that we are ultimately going to call him, because if
16 stipulations, if admissions can be made, then that can deal with it.
- 17 PRESIDING JUDGE KORNER: [11:31:23] All right. Well, as far as the PDF expert is
18 concerned, I think there was some suggestion that you might try to have him under
19 Rule 68(2)(c), I think it is, or whatever. He is certainly somebody that we will want to
20 hear in person.
- 21 MR EDWARDS: [11:31:38] Yes. 68(3).
- 22 PRESIDING JUDGE KORNER: [11:31:41] 68(3). Right. Well, so, obviously, subject
23 to anything the Prosecution want to say about it, his report can go in under 68(3), but
24 we'd expect to hear from him.
- 25 MR EDWARDS: [11:31:50] Yes, and that will obviously shorten matters enormously,

1 because he has a great deal to say. But if the bulk of his evidence-in-chief can come in
2 by virtue of his report, really, then we'd have a short amount of time to ask some
3 clarifying questions and then further to --

4 PRESIDING JUDGE KORNER: [11:32:11] Yeah. Well, that seems to me a very -- I'm
5 pleased to see that notwithstanding the occasional spat across the court,
6 cooperation is still continuing between the parties.

7 Right. The second thing that I want to deal with, we have been urging you to serve
8 the Bar table motions on a rolling basis. Well, we hadn't had anything from you and
9 we really think that you could -- certainly, as we are not sitting now until the 20,
10 whatever it is, of May, after today, we would like you to serve such of your Bar table
11 motion as is possible by 17 May. So that's the Friday before we restart.
12 It's not absolutely -- like everything else in your case, it's rolling and it's not designed to
13 be the definitive, but we would like to know so we can start work on it, obviously, what
14 sort of documents you want to produce. So, please, part 1 by 17 May.
15 Finally, I should just say we are due to sit for the whole week of 20 May but regrettably
16 the Chamber is unable to sit on Friday, the 24th, just so that you can make a note of
17 that. All right.

18 MR EDWARDS: [11:33:45] Just before we go into closed session, your Honour has
19 indicated that you'll be giving an oral ruling on the regulation 35. Now, if it's the case
20 that we proceeded on the way that we did on the basis of a misunderstanding of what
21 kind of regulation 35 application you wanted, then if you're going to give a ruling and
22 if there's a danger that you're actually going to find for the OTP and refuse us to add
23 the two new witnesses to the list --

24 PRESIDING JUDGE KORNER: [11:34:22]

25 We are not.

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1 MR EDWARDS: [11:34:23] Thank you.

2 PRESIDING JUDGE KORNER: [11:34:25] To save time.

3 Yes, all right. Thank you very much.

4 I'm sorry, there was one question that I did forget to ask. D-13 is on your list but
5 doesn't appear to have been allocated any kind of date.

6 MR LAUCCI: [11:34:49] Well, I will answer by saying he is still on the list, but even
7 with the most optimistic approach, we are getting close to a conclusion where we
8 should withdraw him at some point, because he simply disappeared. We are not even
9 sure he is still alive and where he is.

10 So we are still in open session, but there will be a last attempt to relocate him -- to find
11 his location, sorry, not to relocate him, a false threat in English. But to find his current
12 location and get in touch with him. But if that's not successful, then we'll have to --

13 PRESIDING JUDGE KORNER: [11:35:39] Right, okay. I mean, it was raised this
14 morning that we didn't appear to have any kind of a date.

15 Yes. All right. Then we'll go into private session.

16 (Private session at 11.35 a.m.)

17 THE COURT OFFICER: [11:35:54] We are in private session, Madam President.

18 (Redacted)

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20 (Recess taken at 11.43 a.m.)

21 (Upon resuming in open session at 11.56 a.m.)

22 THE COURT USHER: [11:56:17] All rise.

23 Please be seated.

24 PRESIDING JUDGE KORNER: [11:56:57] Yes. As we indicated to the parties, we are
25 going to give an oral ruling on the application made by the Defence for the extension of

1 deadline to submit the final list of witnesses and evidence.

2 Since April of last year, the Defence has made a series of requests to postpone the
3 provision of its final list of witnesses and the actual calling of evidence.

4 The Chamber, acknowledging the problems caused by the current state of affairs in
5 Darfur, has, to the greatest extent possible, been receptive to those requests,
6 notwithstanding the view expressed more than once that many of the problems
7 could have been avoided had the Defence taken steps from the outset of these
8 proceedings to carry out the investigations which any Trial Chamber is entitled to
9 expect from competent counsel.

10 The nadir of this aspect of the case was reached over the Christmas period with the
11 Defence's attempts to persuade the Registry to sanction a course of action which was
12 doomed to failure. The Defence's actions have been criticised both by this Chamber
13 and the Appeals Chamber and resulted in no witnesses being available to testify on
14 the date fixed by the Trial Chamber in January. As a result, since then the Chamber
15 has heard one witness, on 21 March, and two this week.

16 On 21 March a status conference was held to discuss the witness list and availability,
17 and during the status conference the following exchange took place between lead
18 Defence counsel, Mr Laucci, and myself, the presiding judge. This is at page 19 of
19 the corrected transcript, starting at line 20, and I will repeat what was said for the
20 purposes of this ruling:

21 "First on witnesses" - this is me speaking - "you are due to file a final list of witnesses
22 on 15 April. I'm assuming it may be the final, but not the final final final."

23 Mr Laucci responded in French, and he says there may be a misunderstanding as a
24 result of the translation, but Mr Laucci responded in the English interpretation:

25 "That will be the final, notwithstanding the results of our resource person's trip."

1 I will leave out the place where he was going.

2 "That's the best I can do in terms of any commitment."

3 And I responded:

4 "Yes, okay, and don't forget that you need to file a regulation 35 request for any of
5 your new witnesses that you find."

6 It is right to say that this morning Mr Laucci said that there was a misunderstanding
7 and he had not understood that that meant that he should serve a regulation 35
8 application in respect of the newly identified witnesses D-38 and D-39.

9 It is right to point out that this Trial Chamber has given the Defence leeway in the
10 provision of a "final" list of witnesses, allowing them to add witnesses to the list on a
11 rolling basis, which was a facility not given to the Office of the Prosecutor.

12 The present request by the Defence asks that the provision of a final list may yet
13 again be delayed until 15 May.

14 The reasons why they assert they should be granted are ones which have been
15 rejected on numerous occasions by this Trial Chamber and/or the Appeals Chamber
16 as irrelevant but to the issue in hand. Both the Office of the Prosecutor and the
17 Common Legal Representatives for the Victims point this out in their responses and
18 further object to this adjournment in that the application, they maintain, should have
19 been based on regulation 35 to add the new witnesses D-38 and D-39.

20 In our judgment, as I've already indicated, the submissions made on behalf of the
21 Office of the Prosecutor and the representatives of the victims are the correct ones
22 and the Defence application is misconceived. The application should have been
23 one under regulation 35 to add those witnesses. The application which is actually
24 made provides no explanation for the late addition, nor any formal request to add
25 them.

1 Notwithstanding what we have indicated we consider to be the valid points made by
2 the Office of the Prosecutor and the representatives of the victims, under its powers
3 conferred by Article 64, the Trial Chamber has decided that expediency, the interests
4 of justice and the right of the accused to a fair trial in this specific situation justify the
5 addition of D-38 and D-39 to the list of witnesses.

6 The two witnesses were interviewed by the Defence in March 2024, as has already
7 been indicated by Mr Nicholls, and relevant disclosure was effected in April of this
8 year.

9 Considering further the nature of their expected testimony, the Chamber finds that
10 no undue prejudice arises. Both the Office of the Prosecutor and the
11 representatives of the victims will have had sufficient time to prepare for those
12 witnesses now scheduled to give evidence at the end of May of this year.

13 With respect to any other witnesses still to be identified, the Defence has made it
14 clear that it understands the calling of evidence must be concluded by 14 June. For
15 the avoidance of any doubt, should they wish to add witnesses to this list which has
16 been provided in their motion of 15 April, a proper application must be made within
17 the terms of regulation 35 at the earliest opportunity, and together with the
18 disclosure of relevant information, including the name of any new witness and a
19 summary or statement.

20 So I hope that is clear. Unless there are any other matters that want to be raised, we
21 will adjourn until the witness, who I am told is fit and well and able to give evidence
22 again at 1.30.

23 Yes, thank you very much.

24 THE COURT USHER: [12:05:29] All rise.

25 (The hearing ends in open session at 12.05 p.m.)