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**International
Criminal
Court**

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30 April 2021

TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mbe Mindua, Presiding
Judge Tomoko Akane
Judge Kimberly Prost

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
*THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD***

PUBLIC

Public redacted version of “Defence response to ‘Prosecution requests to add five items to its List of Evidence pursuant to regulation 35 of the Regulations of the Court and for the introduction of P-0598’s and P-0661’s prior recorded testimony and associated material into evidence pursuant to rule 68’”

Source: Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. Introduction

1. On 18 December 2020, the Office of the Prosecutor ('Prosecution') filed its 'Prosecution requests to add five items to its List of Evidence pursuant to regulation 35 of the Regulations of the Court and for the introduction of P-0598's and P-0661's prior recorded testimony and associated material into evidence pursuant to rule 68' ('Requests').¹
2. By the Requests, the Prosecution seeks:
 - a. authorisation pursuant to Regulation 35 of the Regulations of Court ('Regulations') to call P-0661 as an expert witness ('Expert Request');²
 - b. authorisation pursuant to Regulation 35 of the Regulations to add five items (P-0598³ and P-0661's⁴ expert reports, P-0598⁵ and P-0661's⁶ mission letters, and P-0661's CV⁷ ('Proposed Material') to the Prosecution's List of Evidence ('LoE Request');⁸ and
 - c. the introduction of the prior recorded testimony and associated material of P-0598 and P-0661 pursuant to Rule 68(2)(b) or Rule 68(3) of the Rules of Procedure and Evidence ('Rules') ('Rule 68 Request').⁹
3. As the Prosecution acknowledges,¹⁰ the Chamber established deadlines for the Prosecution's List of Evidence as **12 May 2020**,¹¹ and for the Prosecution to seek authorisation to call witnesses as experts as **1 June 2020**.¹² The Requests therefore come between seven and eight months after the expiry of the time limits applicable.
4. The Defence opposes the Requests. For the reasons given below, the Prosecution has failed to demonstrate that acting within the original time limit for the Expert Request

¹ ICC-01/12-01/18-1215-Conf.

² ICC-01/12-01/18-1215-Conf, para 1.

³ MLI-OTP-0078-7628-R01.

⁴ MLI-OTP-0078-7832-R01.

⁵ MLI-OTP-0078-7602.

⁶ MLI-OTP-0078-7585.

⁷ MLI-OTP-0078-7807-R01.

⁸ ICC-01/12-01/18-1215-Conf, para 1.

⁹ ICC-01/12-01/18-1215-Conf, para 2.

¹⁰ ICC-01/12-01/18-1215-Conf, para 9.

¹¹ ICC-01/12-01/18-548, para. 10; ICC-01/12-01/18-677, para. 15.

¹² ICC-01/12-01/18-789-AnxA, paras. 66-67.

or the LoE Request, and it would not be in the interests of justice for the Chamber to grant the Requests, particularly given the prejudice which grant would cause to the Defence. Furthermore, introduction of the material pursuant to Rule 68(2)(b) would prejudice the Defence, and render the trial unfair.

II. Confidentiality

5. Pursuant to Regulation 23*bis*(2) of the Regulations, this response has been filed confidentially as it refers to filings and decisions of the same classification.

III. Submissions

The Prosecution has failed to demonstrate good cause to justify its failure to call P-0661 as an expert witness

6. At the outset, the Defence notes that:
 - a. the Chamber may extend a time limit pursuant to Regulation 35(2) of the Regulations where '**good cause**' is shown; and
 - b. where an application to extend a time limit is made after the expiration of the original deadline (as the Expert Witness Request is), pursuant to Regulation 35(2) of the Regulations, the applicant must demonstrate that acting within the original time limit **was not possible for reasons outside of their control**.
7. The Prosecution has failed to demonstrate such good cause, and that acting within the original time limit was not possible for reasons outside of their control. The Prosecution failed to sufficiently justify its original request¹³ under Regulation 35 to file its application to call P-0661 as an expert after the completion of his [REDACTED] mission [REDACTED] and the receipt of their expert report. This is demonstrated in the Chamber's refusal of the original request, noting that the Prosecution were not in a position to provide the Chamber with the requisite and complete information regarding P-0661's evidence.¹⁴

¹³ ICC-01/12-01/18-842-Conf, paras 57-59.

¹⁴ ICC-01/12-01/18-988-Conf, para. 11.

8. These matters, essentially amounting to a failure of competence, or inadvertence, by the Prosecution, have been clearly recognised to be insufficient grounds for grant of authorisation under Regulation 35:¹⁵

At the outset, the Chamber notes that for a number of items requested to be added late to the Prosecution's Final List of Evidence, **no explanation is given for the failure to include them within the original deadline, or the Prosecution indicates that they were not added within the deadline due to an oversight. The Chamber takes this opportunity to remind the Prosecution of the importance of diligently complying with its disclosure obligations in a timely manner, and the need to sufficiently justify requests pursuant to Regulation 35 of the Regulations. Failing to comply with a deadline due to inadvertence is not a reason outside of the Prosecution's control. The Chamber also emphasises that these late additions are exceptional and should not in any way become the norm during trial.**

9. The Prosecution has failed to justify its Expert Witness Request, and the Defence submits that the Request must therefore be rejected.

The Prosecution has failed to demonstrate good cause to justify its failure to include the Proposed Material in its List of Evidence

10. As the Defence has previously explained,¹⁶ the Prosecution has already been permitted to add 48 items (with two requests in terms of nine items relating to P-0654 currently pending¹⁷) to its list of evidence, to the detriment of Defence preparations, being:

- a. 11 items regarding Witnesses P-0660 and P-0661 added on 5 August 2020;¹⁸
- b. 1 item regarding Witness P-0598 added on 17 September 2020;¹⁹
- c. 3 items regarding Witness P-0623 added on 22 September 2020;²⁰

¹⁵ ICC-01/12-01/18-988-Conf, para 8.

¹⁶ ICC-01/12-01/18-1246-Conf, paras 20-22.

¹⁷ ICC-01/12-01/18-1246-Conf, paras 1-5.

¹⁸ ICC-01/12-01/18-988-Conf.

¹⁹ ICC-01/12-01/18-1111-Conf.

²⁰ Email from the Chamber dated 22 September 2020 at 13.23.

- d. 23 items regarding Witness P-0065 added on 27 October 2020;²¹ and
- e. 10 items regarding Witnesses P-0565 and P-0557 added on 23 November 2020.²²

11. Indeed, the Prosecution has been given ample opportunity to amend its List of Evidence, including in respect of 15 items where the Chamber explicitly recognised that the criteria under Regulation 35 have not been met.²³

12. Given the Chamber's indication that 'late additions are exceptional and should not in any way become the norm during trial', it would be appropriate to deny the LoE Request, given that the addition of these items will prejudice the Defence, by burdening the Defence with this evidence without providing it sufficient time to prepare.

Introduction of the Proposed Testimony pursuant to Rule 68(2)(b) would prejudice the Defence, fail to achieve expedition and render the trial unfair

13. The material submitted pursuant to Rule 68(2)(b) comprises the five items constituting the Proposed Material, with the addition of P-0598's CV,²⁴ which, subject to the formalities required under Rule 68(2)(b), the Chamber has already authorised the introduction of pursuant to that Rule in relation to separate testimony.²⁵ The 'Proposed Testimony' for the purposes of this Request is therefore these six items.²⁶

14. The Defence has no objections specifically to the associated material, being the mission letters and the CVs of P-0598 and P-0661, but objects to the submission of the expert reports on six bases, as the reports, contrary to Rule 68(1) of the Rules, will be

²¹ Email from the Chamber dated 27 October 2020 at 13.24.

²² Email from the Chamber dated 23 November 2020 at 11.22.

²³ In respect of the First Request under Regulation 35, the Prosecution was permitted to add 11 items which did not meet the requirements of Regulation 35: ICC-01/12-01/18-988-Conf, para 15 (five items), para 22 (one item), para 25 (two items), para 28 (three items).

In respect of the Third Request under Regulation 35, the Prosecution was permitted to add 3 items which did not meet the requirements of Regulation 35: Email from the Chamber dated 22 September 2020 at 13.23.

In respect of the Fourth Request under Regulation 35, the Prosecution was permitted to add 1 item which did not meet the requirements of Regulation 35: Email from the Chamber dated 27 October 2020 at 13.24.

²⁴ MLI-OTP-0078-7643-R01.

²⁵ ICC-01/12-01/18-1111-Conf, para 11.

²⁶ ICC-01/12-01/18-1215-Conf-Exp-AnxA (P-0598's material); ICC-01/12-01/18-1215-Conf-Exp-AnxB (P-0661's material).

prejudicial to or inconsistent with the rights of Mr. Al Hassan and the fairness of the trial generally.

15. *First, regarding both the reports*, the testimony falls to demonstrate, as required by Rule 68(2)(b), ‘sufficient indicia of reliability’, given the indications of bias contained therein. Regarding P-0661, he has expressed highly subjective and negative views concerning ICC defendants in general and the role of experts,²⁷ and has multiple conflicts of interest arising from his work for [REDACTED],²⁸ and his role in this case for the Prosecution to prepare a report on [REDACTED].²⁹ This is reflected in his report, given his speculation on the connections between Mr. Al Hassan’s wellbeing and Defence ‘legal strategy’³⁰. This is particularly significant given that P-0661 previously acted as an expert witness in a [REDACTED] Criminal Court case, where his testimony was found to be insufficient which led to the Court ordering the appointment of new experts at an advanced stage of the proceedings.³¹
16. Regarding P-0598, he similarly had already been instructed in this case by the Prosecution to prepare expert reports concerning [REDACTED].³² He therefore had already been exposed to [REDACTED], which would have clearly biased him against Mr. Al Hassan. These matters render both their reports less reliable, and less probative, and increase the risk of prejudice to the Defence. Furthermore, introduction of the Proposed Testimony pursuant to Rule 68(2)(b) would prejudice the Defence, as it would deprive the Defence of the opportunity to question these witnesses concerning their bias, and the impact which this bias had on their findings.
17. *Second, regarding both the reports*, neither P-0598 nor P-0661 examined Mr. Al Hassan: their reports were based on a week’s work³³ reviewing the reports prepared by the Defence’s experts, medical documents relating to Mr. Al Hassan, records of

²⁷ MLI-OTP-0078-5900 at 5902: “[REDACTED]”

At 5925: “[REDACTED]”

[REDACTED]: “[REDACTED]”

²⁸ MLI-OTP-0078-7832-R01 at 7833.

²⁹ [REDACTED].

³⁰ MLI-OTP-0078-7832-R01 at 7841: “[REDACTED]”

³¹ See [REDACTED]

³² [REDACTED].

³³ The mission letter to P-0661 is dated [REDACTED] (MLI-OTP-0078-7585 at 7585) and the report is dated [REDACTED] (MLI-OTP-0078-7832-R01 at 7841). The mission letter to P-0598 is dated [REDACTED] (MLI-OTP-0078-7602 at 7602) and the report is dated [REDACTED] (MLI-OTP-0078-7628-R01 at 7628).

interview with Mr. Al Hassan and assorted legal documents.³⁴ Indeed, P-0661 acknowledged the fundamental issue of having not examined Mr. Al Hassan himself.³⁵ It is also not clear what specific documents the experts examined. While their mission letters annex for review some 110 documents (P-0598³⁶) and 227 documents and a specific set of 44 documents for specific review (P-0661³⁷), as noted above, the reports were completed within the space of a week. In P-0661's report, he refers to 'sampling' the audio recordings of the interviews and 'browsing' the transcripts,³⁸ and only specifically refers to one recording³⁹ and two medical records.⁴⁰ Furthermore, to the extent that these experts reviewed the recordings of the interviews, Mr. Al Hassan spoke in Arabic during these interviews, and the experts would have had little to no ability to analyse the intonation or meaning of Mr. Al Hassan's comments on this basis.

18. These matters render both their reports less reliable, and less probative, and increase the risk of prejudice to the Defence. Furthermore, introduction of the Proposed Testimony pursuant to Rule 68(2)(b) would prejudice the Defence, as it would deprive the Defence of the opportunity to question these witnesses concerning what particular materials they relied upon, and the consistency with their decision not to examine Mr. Al Hassan with their ethical and professional obligations.
19. *Third, regarding the report of P-0598*, the witness lacks the expertise necessary for this report. While the Defence had accepted P-0598 had expertise in relation to the expert reports he prepared concerning [REDACTED],⁴¹ this is a completely different area of expertise than assessing the impact of trauma. The Prosecution has failed to establish a foundation for P-0598's expertise as concerns the specific topic of the report he prepared. In its Requests, it notes merely that 'P-0598 is a medical doctor and expert in forensic medicine', but fails to note any psychiatric or psychological experience.⁴² Furthermore, his CV (totalling some 153 pages in length) fails to demonstrate any specific and relevant expertise or experience.⁴³ These matters make his report less

³⁴ MLI-OTP-0078-7602 at 7603 (P-0598); MLI-OTP-0078-7585 at 7586 (P-0661).

³⁵ MLI-OTP-0078-7832-R02 at 7840: "[REDACTED]"

³⁶ MLI-OTP-0078-7602 at 7606-7609.

³⁷ MLI-OTP-0078-7585 at 7589-7598, 7600.

³⁸ MLI-OTP-0078-7832-R01 at 7834: "[REDACTED]"

³⁹ MLI-OTP-0078-7832-R01 at 7839, citing MLI-OTP-0062-1257.

⁴⁰ MLI-OTP-0078-7832-R01 at 7840, citing to the sessions of 10 August 2018 and 31 August 2018.

⁴¹ ICC-01/12-01/18-1076-Conf.

⁴² ICC-01/12-01/18-1215-Conf, para 40.

⁴³ MLI-OTP-0078-7643-R01.

reliable, and less probative, and increase the risk of prejudice to the Defence. Furthermore, introduction of the Proposed Testimony pursuant to Rule 68(2)(b) would prejudice the Defence, as it would deprive the Defence of the opportunity to question P-0598 on his specific expertise or experience relevant to the preparation of this report.

20. *Fourth, regarding the report of P-0661*, the report is based on incorrect assumptions. His report was originally based on the assumption that Mr. Al Hassan was interrogated while detained at the ICC, rather than at the Sécurité d'État.⁴⁴ However, even after the Prosecution advised P-0661 of the error (albeit just by telling P-0661 that the interviews had happened while Mr. Al Hassan was detained by the Malian authorities in Bamako, not about the specific conditions of the DGSE),⁴⁵ the findings of his report were basically unchanged⁴⁶ and he took virtually no time to complete it.⁴⁷ This indicates that his review of the interviews and the Defence expert reports was lacking rigour (given how clear this fact is throughout these documents), and that he did not understand the significance of the conditions in which Mr. Al Hassan was detained. This calls into question all of this conclusions. These matters make his report less reliable, and less probative, and increase the risk of prejudice to the Defence. Furthermore, introduction of the Proposed Testimony pursuant to Rule 68(2)(b) would prejudice the Defence, as it would deprive the Defence of the opportunity to question P-0661 as concerns his understanding of the conditions of Mr. Al Hassan's detention in Mali, and the relevance of these conditions to Mr. Al Hassan's mental health.

21. *Fifth, regarding both reports*, the witnesses' findings are inconsistent with accepted scientific practice. Regarding P-0661, he criticised Defence expert Dr. Porterfield's reliance on the DSM in diagnosing Mr. Al Hassan with PTSD,⁴⁸ which criticism is inappropriate because it was not based on any cited scientific material but rather on a conversation the witness had with another person,⁴⁹ and the DSM is suggested as a diagnostic tool by the Istanbul Protocol, and Dr. Porterfield confirmed that her diagnosis would be the same applying ICD-11.⁵⁰ P-0661 also used unscientific terms in

⁴⁴ MLI-OTP-0078-7843 at 7843; MLI-OTP-0078-7399-R01.

⁴⁵ MLI-OTP-0078-7843 at 7843: "[REDACTED]"

⁴⁶ ICC-01/12-01/18-991-Conf-AnxB.

⁴⁷ MLI-OTP-0078-7843.

⁴⁸ MLI-OTP-0078-7832-R01 at 7835.

⁴⁹ MLI-OTP-0078-7832-R01 at 7835.

⁵⁰ MLI-D28-0003-2071 at 2071.

his report, including '[REDACTED]'.⁵¹ Regarding P-0598, he rejected the criteria in the Istanbul Protocol, which is objective and specialised to allegations of torture, and replaced it with arbitrary and unexplained diagnostic criteria.⁵² These matters make the reports less reliable, and less probative, and increase the risk of prejudice to the Defence. Furthermore, introduction of the Proposed Testimony pursuant to Rule 68(2)(b) would prejudice the Defence, as it would deprive the Defence of the opportunity to question P-0598 and P-0661 on the justification for the methodologies used.

22. *Sixth, regarding both reports*, the testimony pertains to issues which are materially in dispute, and soundly and conceivably disputed between the parties⁵³ (e.g. the allegations of torture and CIDT at the Sécurité d'État and their continuing effect on Mr. Al Hassan's fitness to stand trial). These are therefore live and important issues, in respect of which prior recorded testimony pursuant to rule 68(2)(b) has previously been found to be inadmissible.⁵⁴

23. In the premises of the six grounds identified above, the prejudice to the Defence associated with introduction of the Proposed Testimony under Rule 68(2)(b) will raise significant concerns as concerns the fairness of the proceedings, given the Defence's inability to cross-examine these witnesses. This need to cross-examine the witnesses arises not only out of the Defence's duty to protect Mr. Al Hassan's interests, but also out of the principle of fairness which would allow P-0598 and P-0661 to respond to any Defence questions or allegations as concerns the credibility, integrity and probity of their testimony. Furthermore, introduction of the Proposed Testimony will also not achieve the goal of expedition,⁵⁵ as the Prosecution have claimed.⁵⁶ Instead, these matters will likely lead to greater litigation as concerns the contents of these flawed reports.

Introduction of the Proposed Testimony pursuant to Rule 68(3) would prejudice the

⁵¹ MLI-OTP-0078-7832-R01 at 7839.

⁵² MLI-OTP-0078-7628-R01 at 7631-7637 (which sections are completely absent any references to the basis of his methodology, or any literature considered).

⁵³ [ICC-02/04-01/15-596-Red](#), para 15.

⁵⁴ [ICC-01/04-01/07-2362](#), paras 27-28, 33-34; [ICC-02/04-01/15-596-Red](#), paras 214-215.

⁵⁵ ICC-01/12-01/18-1111-Red, para 7.

⁵⁶ Cf ICC-01/12-01/18-1215-Conf, para 6.

Defence, fail to achieve expedition and render the trial unfair

24. Even in the premises of the Defence's ability to cross-examine the witnesses, introduction of the Proposed Testimony pursuant to Rule 68(3) would still be unfair, prejudicial and contrary to principles of expedition for three reasons.
25. *First*, these matters at the heart of the reports are materially in dispute, and are uncorroborated by other findings (noting, in particular, the findings of the Panel above, which are contrary to P-0598 and P-0661's reports).
26. *Second*, even if the Defence is given an opportunity to cross-examine P-0598 and P-0661 in relation to the six grounds identified above in relation to the Rule 68(2)(b) request, these grounds still raise important doubts as concerns the reliability and probity of these reports, which render them inappropriate for introduction under Rule 68.
27. *Third*, in the event that the reports are introduced pursuant to Rule 68, the goal of achieving greater expedition will not be realised,⁵⁷ as the Defence will be required to cross-examine the witnesses at length as concerns the six grounds above, and any other grounds relevant to the Chamber's ascertainment of the truth. This need to cross-examine the witnesses arises not only out of the Defence's duty to protect Mr. Al Hassan's interests, but also out of the principle of fairness which would allow P-0598 and P-0661 to respond to any Defence questions or allegations as concerns the credibility, integrity and probity of their testimony.

A voir dire hearing is necessary and appropriate in all the circumstances where the Defence has contested the qualifications of the experts

⁵⁷ ICC-01/12-01/18-987-Red, para 14.

28. Chambers of the ICC,⁵⁸ ICTR,⁵⁹ ICTY,⁶⁰ SCSL,⁶¹ and STL⁶² have previously convened *voir dire* hearings to hear arguments concerning the qualification of Prosecution experts before their testimony commenced,⁶³ in relation to the ability of witnesses to testify on a particular issue,⁶⁴ regarding the voluntariness of the statements in question⁶⁵ and in terms of the accused's fitness to stand trial.⁶⁶ In the particular context of determination of an accused's fitness to stand trial, the ICTY Trial Chamber in *Prosecutor v. Strugar* noted:⁶⁷

The Trial Chamber has been considerably assisted by the Defence and Prosecution experts. Each of them are unquestionably experienced psychiatrists of considerable standing. Their respective reports are each quite detailed and fairly comprehensively reveal the approach taken to the assessment of the Accused's condition and the conclusions reached. **The oral evidence, in particular the cross-examination, has been particularly helpful in enabling the Trial Chamber to understand more adequately the basis for the conclusions reached and the significance of the differences of approach.** The quality and the thoroughness of the assistance of these experts left the Trial Chamber entirely satisfied that there was no need for the Chamber to obtain any additional expert assistance.

⁵⁸ [ICC-02/11-01/15-1263-AnxA](#), para 36 and fn. 116 summarising the process; [ICC-01/05-01/13-T-16-Red2-ENG](#), pgs. 51-52; [ICC-01/09-01/11-1943-Red](#), para 10; [ICC-02/04-01/15-T-162-Red-ENG](#) (testimony of Dr. Gillian Mezey).

⁵⁹ ICTR, *Prosecutor v. Nchamihigo*, [Decision on the Prosecutor's Application to Admit into Evidence the Transcript of the Accused's Interview as a Suspect and the Defence's Request to Hold a Voir Dire](#), para 9 (noting that the procedure adopted was a form of *voir dire* or similar to it).

⁶⁰ ICTY, *Prosecutor v. Delalic et al.*, [Appeals Judgment](#), paras 541-544 (not ordered but considered appropriate by the Appeals Chamber).

⁶¹ SCSL, *Prosecutor v. Sesay*, [Ruling on Voir Dire – Written Reasons](#), paras 18-19.

⁶² STL, *Prosecutor v. Ayyash et al.*, [Decision Allowing Mr Gary Platt \(Witness Prh147\) To Give Expert Opinion Evidence](#), para 3.

⁶³ [ICC-02/11-01/15-1263-AnxA](#), para 36 and fn. 116 summarising the process; [ICC-01/05-01/13-T-16-Red2-ENG](#), pgs. 51-52; STL, *Prosecutor v. Ayyash et al.*, [Decision Allowing Mr Gary Platt \(Witness Prh147\) To Give Expert Opinion Evidence](#), para 3.

⁶⁴ [ICC-01/09-01/11-1943-Red](#), para 10.

⁶⁵ ICTR, *Prosecutor v. Nchamihigo*, [Decision on the Prosecutor's Application to Admit into Evidence the Transcript of the Accused's Interview as a Suspect and the Defence's Request to Hold a Voir Dire](#), para 9 (noting that the procedure adopted was a form of *voir dire* or similar to it); SCSL, *Prosecutor v. Sesay*, [Ruling on Voir Dire – Written Reasons](#), paras 18-19; ICTY, *Prosecutor v. Delalic et al.*, [Appeals Judgment](#), paras 541-544 (not ordered but considered appropriate by the Appeals Chamber).

⁶⁶ [ICC-02/04-01/15-T-162-Red-ENG](#).

⁶⁷ ICTY, *Prosecutor v. Strugar*, [Decision re the Defence Motion to Terminate Proceedings](#), para 40.

29. Given the circumstances, in which: (a) P-0598 and P-0661 are not both unquestionably experienced psychiatrists of considerable standing; (b) P-0598 and P-0661's reports are not sufficiently detailed; and (c) P-0598 and P-0661's reports do not fairly comprehensively reveal the approach taken to the assessment of Mr. Al Hassan's condition, it is particularly important for the Chamber to benefit from examination, and in particular cross-examination. Therefore, in all the circumstances, in order for the Defence's right to question the witnesses in relation to the issues identified above and in accordance with the principle of fairness which would allow the experts to respond to such questions and provide any necessary explanations, a *voir dire* hearing should be held concerning the qualifications and propriety of the experts in preparing these reports, and the content of the reports.

IV. Relief sought

30. The Defence respectfully requests that the Trial Chamber **REJECT** the Requests.



Melinda Taylor
Counsel for Mr. Al Hassan

Dated this 21st Day of January 2021
At The Hague, The Netherlands