

Annex 9

Public

From: Trial Chamber X Communications
Sent: 19 January 2021 14:04
To: D28 Al Hassan Defence Team; Office of the Director DJSS
Cc: Trial Chamber X Communications; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Decision on the classification of the Panel's report

Dear counsel,

Noting that the Panel concludes that the additional records do not warrant any change to the conclusions in its report, and further noting that, while the report is filed as confidential *ex parte* (Defence and Registry only) in accordance with the Chamber's instructions, the Defence has obtained Mr Al Hassan's consent to provide the unredacted version of the report to the Chamber (email from the Defence 14 December 2020 at 21:06), the Single Judge hereby:

- (i) instructs the Registry to reclassify the report of the Panel which was filed on 9 December 2020 as confidential *ex parte*, Defence, Registry and the Chamber only;
- (ii) instructs the Defence to propose any redactions to be applied to the confidential redacted version by Monday, 25 January 2021; and
- (iii) instructs the Registry to file a confidential redacted version of the report, applying redactions proposed by the Defence, by Wednesday 27 January 2021.

Kind regards,

On behalf of the Single Judge of Trial Chamber X

From: [REDACTED]
Sent: 19 January 2021 11:36
To: Trial Chamber X Communications
Cc: Office of the Director DJSS ; 'D28AlHassanDefenceTeam [REDACTED]'
Subject: RE: Medical experts appointed by TC X

Dear Trial Chamber X,

Following the Order of the Single Judge of 5 January 2021 requesting the Panel of Experts to review the additional material and to indicate whether it would lead to any substantive adjustments to the conclusions in their Report, the Registry hereby transmits to the Chamber the attached Report on this additional assignment, which has been submitted by the Experts.

The Registry remains available for any further questions.

Kind regards,

[REDACTED]
 On behalf of OD DJS

From: Trial Chamber X Communications <[TrialChamberXCommunications \[REDACTED\]](#)>
Sent: 05 January 2021 10:38
To: 'D28AlHassanDefenceTeam [REDACTED]' <[D28AlHassanDefenceTeam \[REDACTED\]](#)>
Cc: Office of the Director DJSS <[OfficeoftheDirectorDJSS \[REDACTED\]](#)>; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer \[REDACTED\]](#)>; Chamber Decisions Communication <[ChamberDecisionsCommunication \[REDACTED\]](#)>; Trial Chamber X Communications

<[TrialChamberXCommunications](#) [REDACTED]>

Subject: Medical experts appointed by TC X

Dear counsel,
Dear colleagues,

On 14 December 2020, the Defence submitted a request in which it identifies certain medical records and filings which the Registry had not transmitted to the Panel despite Mr Al Hassan consenting to their provision. Consequently, the Defence requests that the Chamber: (i) send the Panel a full and complete index of all documents that should have been made available to the Panel, together with clear information as concerns Mr Al Hassan's consent as regards access and usage, and translations, if any; and (ii) allow the Panel to conduct a read-back with Mr Al Hassan before the report is finalised, in order to correct any factual errors.

The Chamber was subsequently informed that the Registry transmitted additional medical records to the Panel following the aforementioned Defence request. The Chamber was further advised that of the documentation submitted the Panel has identified a few pages which require translation which is currently being carried out by the Registry. In addition to the transmission of the translations as soon as they become available, the Chamber instructs the Registry to immediately identify any item included in the table attached to the Defence's email of 14 December 2020 at 21:06 which has not been provided to the Panel to date, and transmit said items to the Panel. The Panel is requested to review the additional material and indicate as soon as possible, and in any event no later than Wednesday 20 January 2020, whether the newly provided material warrants substantive adjustments to the conclusions in the submitted report.

For this limited purpose, the Chamber instructs the Registry to make the necessary arrangements, including an extension of the contracts of the members of the Panel.

As regards the Defence request to conduct a read-back, contrary to the Defence submissions, the Chamber does not consider that the accused has an unconditional right to review the report before it is finalised.

A read-back at this stage is not necessary as the parties and participants will be given an opportunity to submit observations on the final report of the Panel and any alleged misinterpretation of the facts can be raised therein. This part of the Defence request is accordingly rejected.

Kind regards,

[REDACTED]

On behalf of the Single Judge of Trial Chamber X