

Annex 45

Public

From: Trial Chamber X Communications
Sent: 03 March 2021 17:50
To: D28 Al Hassan Defence Team (D28AlHassanDefenceTeam[REDACTED]); Al Hassan Prosecution Team; V43 Victims Al Hassan Team
Cc: Trial Chamber X Communications; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Decision on 'Prosecution's request to strike out four annexes to the Defence Observations on Report of Panel of Experts (ICC-01/12-01/18-1316-Conf) and to obtain access to ex parte annexes thereto'

Dear counsel,

The Single Judge has had regard to the 'Prosecution's request to strike out four annexes to the Defence Observations on Report of Panel of Experts (ICC-01/12-01/18-1316-Conf) and to obtain access to ex parte annexes thereto' (ICC-01/12-01/18-1333-Conf, the 'Request').

The Single Judge notes that the Prosecution requests *inter alia* that it be granted access to *ex parte* annexes to filing ICC-01/12-01/18-1316-Conf.

The Single Judge notes that annexes E, G, H, I, J and K to filing ICC-01/12-01/18-1316-Conf are documents or communications between the Registry and the Defence.

Nonetheless, having regard to its particular contents, the Single Judge considers that annexes G, H, I and J contain information that refer to/are related to arguments made by the Defence in their observations. Accordingly, the Single Judge considers that the Prosecution and the LRVs should be granted access. The Single Judge also does not consider that the information contained in these annexes are sensitive or otherwise require to be kept *ex parte*.

Accordingly, and pursuant to Regulation 23*bis* of the Regulations of the Court, the Single Judge instructs the Registry to reclassify ICC-01/12-01/18-1316-Conf-Exp-AnxG, ICC-01/12-01/18-1316-Conf-Exp-AnxH, ICC-01/12-01/18-1316-Conf-Exp-AnxI and ICC-01/12-01/18-1316-Conf-Exp-AnxJ as Confidential, unless the Defence objects by Thursday, 4 March 2021 at 12:00.

As regards ICC-01/12-01/18-1316-Conf-Exp-AnxE and ICC-01/12-01/18-1316-Conf-Exp-AnxK, the Single Judge instructs the Defence to file confidential redacted versions by Friday, 5 March 2021.

The Chamber will make its determination of the remainder of the Request in due course.

Kind regards,

[REDACTED]
 On behalf of the Single Judge of Trial Chamber X