

ANNEX 18

Public redacted

From: Trial Chamber X Communications
Sent: 22 September 2020 14:24
To: [REDACTED]
Cc: [REDACTED]
 D28AlHassanDefenceTeam@iccpn.org; V43LRVTeam@iccpn.org; Duterte, Gilles;
 [REDACTED] Office of the
 Director DJSS
Subject: RE: Al Hassan : Request for guidance - The Prosecutor v. Al Hassan:
 ICC-01/12-01/18-1006-Conf - Decision appointing experts for the purpose of a
 medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Registry Colleagues,

The Chamber observes that the directions contained in paragraph 41 of the ‘Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence (the Rule 135 Decision)’ unambiguously instructs the Registry to facilitate the Panel’s access to (i) medical records and opinions which are (ii) filed on the case record.

Consequently, filings which are not medical records or opinions, such as those pertaining to the active monitoring regime or conjugal visits fall outside the scope of paragraph 41 of the Rule 135 Decision. Further, medical records or opinions which are not filed on the case record of the present case are equally not covered by the aforementioned decision.

However, noting that the Panel, in their letter sent to the Chamber on 9 September 2020, requests documents including ‘medical records from the detention centre or other involved institutions since the time of his arrest, including any treatment provided’, the Chamber does not oppose other medical records and opinions also being provided to the experts.

Accordingly, any medical record, opinion or report regarding Mr Al Hassan contained in Folders A, B, C and D may be provided to the Panel.

Moreover, the CV of the Defence experts as well as the contact data of medical/psychological staff involved in the treatment of Mr Al Hassan, as requested by the Panel in the letter of 9 September, should also be provided.

Nonetheless, considering that over a month has passed since the Chamber issued the Rule 135 Decision, the Chamber emphasises that at this stage the Panel should not be provided with material that is not directly relevant to their mandate.

The Chamber observes that filings in folder A relating to the active monitoring regime or conjugal visits and documents in folder E appear to be of marginal relevance and therefore need not be provided to the Panel.

Kind regards,

[REDACTED]
 On behalf of Trial Chamber X

From: [REDACTED]
Sent: Friday, September 18, 2020 6:17 PM
To: Trial Chamber X Communications [REDACTED]

Subject: Al Hassan : Request for guidance - The Prosecutor v. Al Hassan: ICC-01/12-01/18-1006-Conf - Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence

Dear Trial Chamber X,

Pursuant to the *Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence (ICC-01/12-01/18-1006-Conf)*, the Registry is instructed to facilitate the Panel's access to medical records and opinions filed on the case record.

We contacted the Defence team to assist in identifying the relevant records and provide a list of relevant submissions so access **could** be implemented accordingly after an additional check from the Registry.

The Defence provided the list below. Other types of materials in addition to filings (folder A.) are included and were provided by the Defence to the Registry (Folders B, C, D, E).

Consequently, the Registry respectfully seeks the Chamber's guidance to know whether all the proposed groups of documents fall under the Decision having regard especially to para. 41: "*With respect to the Panel's access to medical records and opinions **filed on the case record**, the Defence proposes that the Panel be granted access to all **such filings**. The Chamber considers that **these filings** may indeed be of assistance*".

2020.09.17 – Explanatory table of contents re 'records sheet'
Defence for Mr Al Hassan

FOLDER A - FILINGS
This is a compilation of filings, from A.1 to A.23 that cover a range of issues including: - The active monitoring regime imposed on Mr Al Hassan and restriction of contacts - Defence requests to allow conjugal visits from Mr Al Hassan - Access to Mr Al Hassan's medical records - Medical issues - Motion and response on unfitness
FOLDER B - DEFENCE EXPERTS
Compilation of reports issued by Defence-appointed experts and documents pertaining to the preparation of their reports
FOLDER C - PROSECUTION EXPERTS
Compilation of reports issued by Prosecution-appointed experts and documents pertaining to the preparation of their reports
FOLDER D - REPORTS - DETENTION RECORDS
Compilation of medical records and reports issued through Detention Medical officer concerning Mr Al Hassan N.B. Please note that files D.69 to D.81 on the Excel sheet have not been placed on the 'Ringtail' record as they have only just recently been provided to the Defence. PDF versions of medical records and D.69 to D.81 are available in Folder D.
FOLDER E – COMPLAINTS, DECISIONS AND CORRESPONDENCE
Compilation of complaints, decisions and correspondence between the Defence, Chief Custody Officer and the Registrar concerning Mr Al Hassan

The Registry remains at the Chamber's disposal should it needs further clarifications,

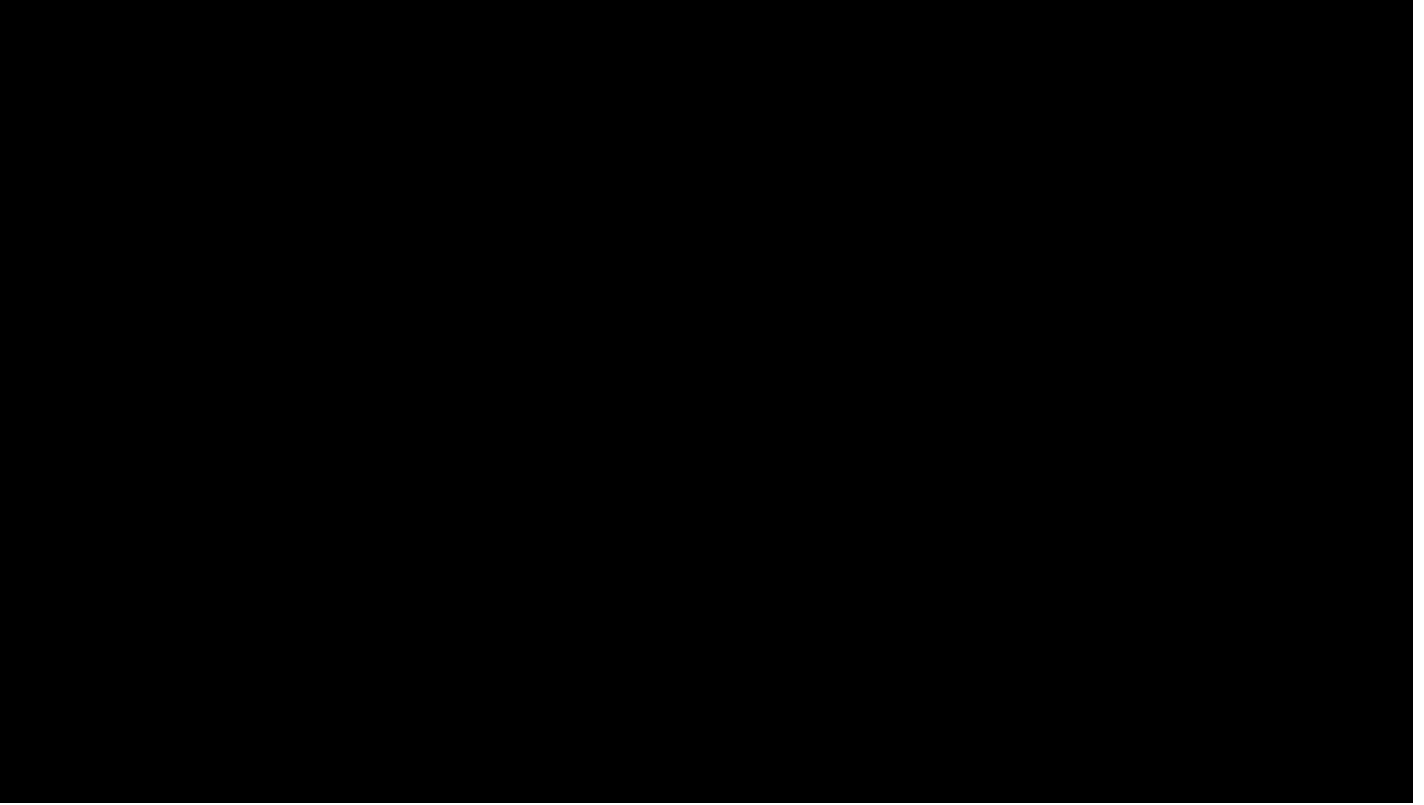
Thank you,

Kind regards,



From: Court Management-Court Records

Sent: 21 August 2020 15:49



Subject: The Prosecutor v. Al Hassan: ICC-01/12-01/18-1006-Conf - Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence

<https://edms.icc.int/RMWebdrawer/Record/2713840>

The purpose of this email is to inform you that the document mentioned below has been registered in ICC-01/12-01/18.

Le but de ce courriel est de vous informer que le document mentionné ci-dessous a été enregistré dans ICC-01/12-01/18.

Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence

Issued by Trial Chamber X / Rendue par la Chambre de première instance X

Reception Date/hour / Reçu le date/heure : 21/08/2020 12:27:40

Registration Date / Enregistré le : 21/08/2020

Notification Date / Notifié le : 21/08/2020

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*This constitutes the official notification form foreseen in Regulation 31 of the Regulations of the Court.
 La présente tient lieu de formulaire de notification tel que prévu à la norme 31 du Règlement de la Cour.*

Only documents satisfying the requirements set by Regulations 23, 26 and 36 of the Regulations of the Court will be registered in the relevant record.

Seuls les documents répondant aux critères énoncés aux normes 23, 26 et 36 du Règlement de la Cour sont enregistrés dans le dossier correspondant.

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