

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Annex

Public

Public redacted version of Annex to Registry Transmission of “Review of additional documents submitted to the Panel of Experts in relation to the MEDICAL EXAMINATION pursuant to Rule 135 of the Rules of Procedure and Evidence in the case of Mr. AL HASSAN Ag Abdoul Aziz Ag Mohamed Ag Mahmoud” dated 27 January 2021, ICC-01/12-01/18-1269-Conf-Anx

Review of additional documents
submitted to the Panel of Experts in relation to the

MEDICAL EXAMINATION
pursuant to Rule 135 of the Rules of Procedure and Evidence

in the case of

Mr. AL HASSAN Ag
Abdoul Aziz Ag Mohamed Ag Mahmoud

(case number ICC-01/12-01/1)

18th January 2021

Authors: Michael Korzinski, Gillian Mezey, & Roland Weierstall-Pust

1. BACKGROUND

1. The Chamber appointed a panel of experts (POE), consisting of Dr. Michael Korzinski (MK), Prof. Gillian Clare Mezey (GM), and Prof. Roland Weierstall-Pust (RWP). The POE was instructed to undertake a medical (1) examination of the accused Mr. AL HASSAN Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (AH) and assess whether the accused suffers from any condition which might have an effect on his ability to follow and take part in the ongoing trial proceedings.
2. The POE submitted their report (*ICC-01/12-01/18-1197-Conf-Exp-Anx 09-12-2020 2/58 RH T*) on 09th December 2020.
3. Further to the submission of the POE's Medical report on Mr Hassan, to the Chamber, dated 9th December 2020, the POE has been requested to review some additional clinical documentation on Mr Al Hassan.

2. NATURE OF INSTRUCTIONS

4. The POE was instructed to specifically comment on whether this newly provided material warrants substantive adjustments to the conclusions in the submitted report.'

3. SOURCES OF INFORMATION AND METHODOLOGY

5. A bundle of documents was provided to the POE. An index list is provided in Appendix 1.
6. The POE reviewed and discussed this additional material.

4. EVALUTION AND SUMMARY OF OPINION

7. The POE is concerned that, despite having requested access to Mr Al Hassan's entire medical file, at the onset of this process, new material is still being presented at this late stage.
 8. In addition, it appears that the POE has still not been provided with the entirety of Mr Al Hassan's clinical records. There are references within the most recent documents to communications and paperwork that have not been provided and which on the face of it may be relevant.
 9. The Panel has therefore not had the opportunity to review all of Mr Al Hassan' records, merely selected extracts.
 10. The POE does not know who has selected these extracts, or on what basis. This gives the POE some concern about the potential for bias and lack of partiality. The Panel remains concerned that it has still not been provided with all relevant material, which has made POE's task more difficult and extended than was perhaps necessary.
11. The POE can inform the Chamber that there is nothing within the additional material that the POE has seen that would give them cause to review or revise their opinion as expressed in their initial report (*ICC-01/12-01/18-1197-Conf-Exp-Anx 09-12-2020 2/58 RH T*), with regard to Mr Al Hassan's mental health or his fitness to plead.

5. DECLARATION UNDER CRIMINAL PROCEDURE RULES PART 19.4(j) and (k)

The POE declares that:

1. We understand that our duty is to help the court to achieve the overriding objective by giving independent assistance by way of objective, unbiased opinion on matters within my expertise, both in preparing reports and giving oral evidence. We understand that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. We confirm that we have complied with and will continue to comply with that duty.
2. We confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
3. We know of no conflict of interest of any kind.
4. We do not consider that any interest which we have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
5. We will advise the party by whom we are instructed if, between the date of my report and the trial, there is any change in circumstances which affect the answers we have given to points 3 and 4 above.
6. We have shown the sources of all information I have used.
7. We have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
8. We have endeavoured to include in my report those matters, of which we have knowledge or of which we have been made aware, that might adversely affect the validity of my opinion. We have clearly stated any qualifications to my opinion.
9. We have not, without forming an independent view, included or excluded anything which has been suggested to me by others including the instructing party.
10. We will notify those instructing us immediately and confirm in writing if for any reason our existing report requires any correction or qualification.
11. We confirm that we have acted in accordance with the code of practice or conduct for experts of our disciplines.

Statement of Truth: We confirm that the contents of this report are true to the best of our knowledge and belief and we make this report knowing that, if it is tendered in evidence we would be liable to prosecution if we have wilfully stated anything which we know to be false or that we do not believe to be true.


Sign here

date 18th January 2021

Dr Mike Korzinski


sign here

date 18th January 2021

Professor Gillian Mezey MBBS FRCPsych


Sign here

date 18th January 2021

Professor Roland Weierstall

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