

Annex 4

PUBLIC
REDACTED

From: Trial Chamber X Communications
Sent: 10 November 2020 10:50
To: 'D28AlHassanDefenceTeam' [REDACTED] Office of the Director DJSS
Cc: Al Hassan Prosecution Team; V43 Victims Al Hassan Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber X Communications
Subject: RE: Privacy of Medical Examinations

Dear Counsel,
 Dear Colleagues,

Having had regard to the below email, the Single Judge directs the Registry to allow Mr Al Hassan to speak with the doctor(s) in private, if possible, as suggested by the Defence, having the guards observe the accused [REDACTED].

The Single Judge also reminds the security personnel that any information obtained while monitoring the expert's examination yesterday should not be discussed and instructs the Registry to delete any written communication should such exist.

Kind regards,

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

From: [REDACTED]
Sent: 10 November 2020 10:15
To: Trial Chamber X Communications; Office of the Director DJSS
Cc: Al Hassan Prosecution Team; V43 Victims Al Hassan Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Privacy of Medical Examinations

Your Honours,

The Defence is grateful for the many efforts undertaken to coordinate the experts' examinations in these challenging circumstances.

Mr Al Hassan has informed the Defence that guards, [REDACTED] [REDACTED] during his telephone examination by [REDACTED] Interpretation took part through a glass window. [REDACTED]

[REDACTED] It is crucial that he feel able to speak as openly and completely as possible. His participation in this process was premised on his understanding that the Defence could ensure proper redactions of the reports before transmission to the Registry, which is undermined by the presence of guards. While of course these examinations are for legal purposes, and much of what is said can and will likely be shared, Mr Al Hassan retains rights to privacy and doctor-patient confidentiality that should be upheld to the highest extent possible.

In order to safeguard doctor-patient confidence and thus uphold the maximal utility of this important process, the Defence respectfully requests that Mr Al Hassan be permitted to speak to the doctors examining him in private. As with his conferences with the Defence, the guards can observe him [REDACTED] without overhearing what is said. The Defence additionally asks that any communication of what was heard by the guards yesterday be prohibited, and, should such exist, any written communication thereof be deleted.

Respectfully,



On Behalf of the Defence for Al Hassan

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