

Annex 6

PUBLIC REDACTED

[REDACTED]

From: Trial Chamber X Communications
Sent: 02 October 2020 09:22
To: Taylor, Melinda; Trial Chamber X Communications
Cc: D28 Al Hassan Defence Team; VWS Legal; Chamber Decisions Communication
Subject: RE: The Prosecutor v. Al Hassan: ICC-01/12-01/18-1080-Conf-Exp+Anx - Registry's Report pursuant to regulation 24bis of the Regulations of the Court regarding the transmission to the Court of an email containing a Defence witness statement

Dear colleagues,
 Dear counsel,

The Chamber does not consider that the proposed redactions are necessary. Pursuant to Regulation 23bis of the Regulations of the Court, the Chamber instructs the Registry to reclassify filing ICC-01/12-01/18-1080-Conf-Exp as *ex parte*, available to the Registry, the Prosecution and the Defence.

Kind regards,

[REDACTED] (on behalf of Trial Chamber X)

From: Taylor, Melinda
Sent: 01 October 2020 16:24
To: Trial Chamber X Communications
Cc: D28 Al Hassan Defence Team; VWS Legal; Chamber Decisions Communication
Subject: RE: The Prosecutor v. Al Hassan: ICC-01/12-01/18-1080-Conf-Exp+Anx - Registry's Report pursuant to regulation 24bis of the Regulations of the Court regarding the transmission to the Court of an email containing a Defence witness statement

Dear Trial Chamber X,
 Dear Colleagues,

The security incident referred to in paragraphs 4, 5, 8, 9 and 10 relates to the redacted version of the statement ('the document in question').

The Defence requests that the following portions of the confidential redacted version be redacted for the Prosecution, as they concern internal Defence team functioning: paragraphs 6, 7, 11, 12, 15(b) and 17. An annotated version of the *ex parte* filing as provided via email from [REDACTED] today at 15:36 is **attached**, with the portions for redaction highlighted.

These paragraphs relate to a document other than the document in question and concern [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

The Defence also requests the VWU to specify the basis for their submission that this individual, who is not on the Prosecution's list of witnesses, is a "Prosecution witness". [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Kind regards

Melinda Taylor, on behalf of the Al Hassan Defence

From: Trial Chamber X Communications [REDACTED]
Sent: 01 October 2020 15:13
To: Taylor, Melinda
Cc: D28 Al Hassan Defence Team; VWS Legal; Chamber Decisions Communication; Trial Chamber X Communications
Subject: RE: The Prosecutor v. Al Hassan: ICC-01/12-01/18-1080-Conf-Exp+Anx - Registry's Report pursuant to regulation 24bis of the Regulations of the Court regarding the transmission to the Court of an email containing a Defence witness statement
Importance: High

Dear colleagues,
 Dear counsel,

Pursuant to Regulation 23bis of the Regulations of the Court, the Chamber hereby direct the Registry to reclassify filing ICC-01/12-01/18-1080-Conf-Exp, available to the Registry and the Defence. A courtesy copy of the said filing shall be made available to the Defence immediately.

Furthermore, the Chamber considers that the report must be notified to the Prosecution. Accordingly, the Chamber directs the Defence to indicate no later than COB today, whether there are any passages related to internal Defence team functioning it would like to redact for the Prosecution. On that basis, the VWU is instructed to file a confidential ex parte redacted version, available to the Prosecution no later than 12.00, tomorrow Friday, 2 October 2020. Otherwise, the report shall be reclassified as available to the Registry, Defence and the Prosecution by the same deadline.

Kind regards,

[REDACTED]
 (on behalf of Trial Chamber X)

From: Taylor, Melinda
Sent: 01 October 2020 11:17
To: Trial Chamber X Communications
Cc: D28 Al Hassan Defence Team
Subject: FW: The Prosecutor v. Al Hassan: ICC-01/12-01/18-1080-Conf-Exp+Anx - Registry's Report pursuant to regulation 24bis of the Regulations of the Court regarding the transmission to the Court of an email containing a Defence witness statement

Dear Trial Chamber X,

The Defence notes that notwithstanding the fact that the Registry Report concerns a Defence witness, paragraph 14 of the observations below was redacted from the Defence. The Defence is extremely concerned by the fact that it appears that [REDACTED]

[REDACTED]. Although the Defence [REDACTED]
 [REDACTED]. In light of the possible implications that unlawful disclosures, leaks, or hacks might have for the security and safety of not just this witness, but other Defence witnesses (and the confidentiality of Defence files), it is essential that the Defence is apprised of all relevant information. The Defence therefore respectfully requests the Trial Chamber to grant the Defence access to the unredacted version of the Report, so that firstly, the Defence is aware of all issues that might be relevant to the security and safety of [REDACTED], and secondly, the Defence can make informed submissions as concerns [REDACTED].

Kind regards

Melinda Taylor, on behalf of the Al Hassan Defence



Subject: The Prosecutor v. Al Hassan: ICC-01/12-01/18-1080-Conf-Exp+Anx - Registry's Report pursuant to regulation 24bis of the Regulations of the Court regarding the transmission to the Court of an email containing a Defence witness statement

<https://edms.icc.int/RMWebdrawer/Record/2719134>

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.

Registry's Report pursuant to regulation 24bis of the Regulations of the Court regarding the transmission to the Court of an email containing a Defence witness statement

Submitted by the Registrar / Déposé par le Greffier

Reception Date/hour / Reçu le date/heure : 30/09/2020 16:11:26

Registration Date / Enregistré le : 01/10/2020

Notification Date / Notifié le : 01/10/2020

.....
*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.

The Court Management Section shall not have any input into formatting, editing and any other alterations to documents received for registration.

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