

Annex 10

PUBLIC REDACTED

From: Trial Chamber X Communications
Sent: 07 October 2020 11:30
To: Office of the Director DJSS; Al Hassan Prosecution Team; 'V43LRVTeam'; 'D28AlHassanDefenceTea'
Cc: Trial Chamber X Communications; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: TC X - Decision on Request for extension of the deadline by the medical experts

Dear Counsels,
 Dear Colleagues,

On 2 October 2020, the Chamber received a letter from the experts appointed by the Chamber pursuant to Rule 135 of the Rules (the 'Panel'), in which the Panel seeks a 8 week extension for submitting its report. The Panel informs the Chamber that it has been unable to proceed with its mandate due to logistical issues, which according to the Panel has now been resolved.

Nonetheless, on 6 October 2020, the Chamber received a further communication from the Panel, in which two of the experts express their concern over the fact that the Panel is yet to receive 'a complete indexed bundle of documents and medical notes'.

The Chamber notes that in its communication of 2 October 2020, the Panel submits that in these circumstances, an extension is warranted in order to allow the panel to 'conduct all the necessary work, including: reading all the documentation; agreeing a standardised methodological approach; interviewing Mr Al Hassan (either face to face if this can be facilitated, or remotely) and writing our report(s).' This is further reiterated by the further communication of 6 October 2020, where the two experts concerned submit they would require an extension of time until mid-December 2020.

The Chamber notes with concern that after more than a month since its appointment, the Panel has not been able to commence the substance of its assigned mandate. It also notes that despite its decision of 22 September 2020, two experts appear to request further information. However, it is unclear what information the experts are yet to receive or if a further decision of the Chamber or a reconsideration of the decision of 22 September 2020 is being sought.

In light of the present circumstances, the Chamber decides to vary the time limit for the submission of the Panel's report, and decides that the deadline should be set at **Tuesday 8 December 2020**.

While, the Chamber appreciates all the efforts taken by the Registry and the Panel in order to make the necessary arrangements, and welcomes the Panel's assurance on 2 October 2020 that it is now ready to commence the medical examination of the accused, the Chamber strongly emphasises that it is imperative for the Panel to start exercising their mandate as instructed so as to provide its report without any further delay. Accordingly, the Chamber instructs the Panel to commence its examination at the earliest possible opportunity.

In order to ensure that the medical examination is conducted without any further impediments, the Chamber instructs the Registry to submit a report setting out a concrete timeline for the completion of the medical examination. This report should include, *inter alia*, the approximate timing for physical visits between the experts and the Panel and should be submitted by **Thursday, 22 October 2020**.

Furthermore, the Panel is instructed to consult with the Chamber as soon as it becomes aware of any issues that may risk further delays. In particular, as regards material relevant to the Panel's mandate, the Chamber recalls that by way of an email decision dated 22 September 2020 at 14:24, the Chamber instructed the Registry to provide 'any medical record, opinion or report regarding Mr Al Hassan'. The Chamber reiterates that any such documents should be provided to the Panel immediately and instructs the Registry to confirm, by **9 October 2020**, that all such documents have been provided.

The Chamber furthermore clarifies that the present decision is without prejudice to the Panel reverting to the Chamber, should it become apparent over the course of its examination that further documents are required.

Kind regards,

[REDACTED]

On behalf of Trial Chamber X

From: [REDACTED]
Sent: 06 October 2020 15:00
To: Trial Chamber X Communications
Cc: Office of the Director DJSS
Subject: RE: Request for extension of the deadline by the medical experts

Dear Trial Chamber X,

The Registry would like to kindly bring to the attention of the Chamber the attached letter which has been sent to the Marc Dubuisson's Office by Prof Weierstall-Pust and Dr Korzinski this afternoon and in which the two experts request a further extension of the deadline for the submission of the report.

The Registry remains available for any further questions.

Kind regards,

[REDACTED]

On behalf of OD DJS

From: [REDACTED]
Sent: 02 October 2020 16:33
To: Trial Chamber X Communications
Cc: Office of the Director DJSS
Subject: Request for extension of the deadline by the medical experts

Dear Trial Chamber X,

The Registry would like to kindly bring to the attention of the Chamber the attached a letter from the three medical experts requesting an extension of the deadline for the submission of the report.

We remain available for any further questions.

Kind regards,

[REDACTED]

On behalf of OD DJS