

Annex 27

**PUBLIC
REDACTED**

From: Trial Chamber X Communications
Sent: 28 October 2020 16:38
To: D28 Al Hassan Defence Team; Al Hassan Prosecution Team; V43 Victims Al Hassan Team; Office of the Director DJSS
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber X Communications
Subject: RE: TC X - Decision on the Defence request to address submissions the Panel of medical experts

Dear Counsel,
 Dear Colleagues,

The Single Judge has had regard to the emails from the Defence dated 27 October 2020 at 18:44 and 28 October 2020 at 12:03.

As regards the provision of medical records, the Single Judge grants the Defence request and instructs the Defence to file an index of records, with a view to identifying any further records that may need to be provided to the Panel.

With respect to Mr Al Hassan's position regarding meeting with medical experts, the Single Judge notes that Mr Al Hassan consents to meeting the two experts who are scheduled to meet in person.

As regards the third expert, the accused declines to meet with her via video-conference and instead states that he is 'willing to meet with the expert in person, or to try to communicate by telephone.'

The Single Judge considers that at this stage, it might be useful for Mr Al Hassan to discuss any concerns he might have regarding the manner in which the examination will be conducted directly with Dr Mezey, rather than waiting for the completion of the examination of the other two experts.

Therefore, the Registry is instructed to organise a telephone meeting between Mr Al Hassan and Dr Mezey, in consultation with the Defence and Dr Mezey.

While being fully aware of the fact that due to the COVID-19 pandemic, there are significant restrictions on international travel, the Single Judge also instructs the Registry to explore the possibility of Dr Mezey meeting the accused in person.

The Single Judge greatly appreciates the Registry coming up with an alternative proposal which involves the use of a small camera recording Mr Al Hassan while he communicates with Dr Mezey over the phone (email from the Registry dated 28 October 2020 at 14:25).

However, given the Defence's position that this is not agreeable to Mr Al Hassan (email from the Defence dated 28 October 2020 at 14:56), the Single Judge considers that this option need not be pursued any further.

Turning to the Accused's request to have Arabic translators present during the examination, the Single Judge instructs the Registry to explore the possibility of accommodating this request, including by scheduling the meeting at the Court's premises instead of the Detention Centre.

Kind regards,

On behalf of the Single Judge of Trial Chamber X

From: [REDACTED]
Sent: 28 October 2020 14:25
To: Taylor, Melinda; Trial Chamber X Communications; D28 Al Hassan Defence Team; Al Hassan Prosecution Team; V43 Victims Al Hassan Team; Office of the Director DJSS
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: RE: TC X - Decision on the Defence request to address submissions the Panel of medical experts

Dear Trial Chamber X, dear Counsel,

Given that Mr Al Hassan has indicated that he is willing to communicate via phone with the Expert, the Registry would like to kindly propose to organize the medical examination of Prof Mezey via phone with a small camera being installed in Mr Al Hassan's room so that Prof Mezey can see Mr Al Hassan during the entire assessment. This would provide for an alternative to the video-conferencing technology through which he does not want to communicate.

If this alternative solution is accepted, the Registry would still have to contact Prof Mezey to see if this is a suitable approach for her.

The Registry remains available for any further questions.

Kind regards,

[REDACTED]

On behalf of OD DJS

From: Taylor, Melinda

Sent: 28 October 2020 12:03

To: Trial Chamber X Communications; D28 Al Hassan Defence Team; Al Hassan Prosecution Team; V43 Victims Al Hassan Team; Office of the Director DJSS

Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication

Subject: RE: TC X - Decision on the Defence request to address submissions the Panel of medical experts

Dear Trial Chamber X, Dear Colleagues,

As concerns the question of Mr. Al Hassan's consent to be examined, the Defence respectfully attaches a communication from Mr. Al Hassan, which he is also submitting directly through the detention unit channel, today.

Kind regards,

Melinda Taylor, on behalf of the Defence for Mr. Al Hassan

From: Trial Chamber X Communications [REDACTED]

Sent: 27 October 2020 13:00

To: D28 Al Hassan Defence Team; Al Hassan Prosecution Team; V43 Victims Al Hassan Team; Office of the Director DJSS

Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber X Communications

Subject: TC X - Decision on the Defence request to address submissions the Panel of medical experts

Dear Counsel,

Dear Colleagues,

On 22 October 2020, the Registry filed the 'Report on Timeline for the Completion of the Medical Examination by the Experts Appointed for the Purposes of Rule 135 of the Rules of Procedure and Evidence' (filing 1124-Conf). A letter from the Panel was annexed to the report.

On the same date (email from Defence at 18:10), the Defence requested authorisation to address submissions to the independent experts in relation to the annexed letter. The Defence seeks to address two discrete points regarding the provision of additional medical records and Mr Al Hassan's consent to meet the experts.

As regards the first issue, the Chamber was informed by the Registry on 23 October that the Medical Unit of the Detention Centre is currently in the process of compiling an index of Mr Al Hassan's medical records, and that this index will be provided to the Defence no later than 26 October 2020 (Email from the Registry to the Chamber and the parties and participants, at 12:21).

On the understanding that the Defence is now in possession of an index of all medical records of the accused at the Detention Centre, the Single Judge invites the Defence to consult with Mr Al Hassan to determine whether he consents to the provision of the medical records to the Panel.

The Single Judge notes the preference of the Panel to receive all relevant records before commencing their examination, and requests that the Defence obtain Mr Al Hassan's consent as soon as practicable.

The Registry should promptly transmit all medical records to the Panel, should Mr Al Hassan agree to the provision of the records.

As regards the second issue, the Single Judge appreciates the Defence meeting with Mr Al Hassan for the purpose of obtaining his consent to be examined by the Panel.

At this juncture, the Single Judge does not consider it necessary for the Defence to directly address submissions to the Panel.

Rather, the Defence is requested to obtain Mr Al Hassan's consent regarding the two issues identified above, and inform the Chamber of Mr Al Hassan's position as soon as practicable.

The Registry is instructed to inform the Panel that, as regards the aforementioned issues, Mr Al Hassan's consent is being sought by the Defence, and that the Panel will be duly informed of his position.

Kind regards,

[REDACTED]

On behalf of the Single Judge of Trial Chamber X

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