

# **Annex 4**

**PUBLIC**  
**REDACTED**

[REDACTED]

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**From:** Trial Chamber X Communications  
**Sent:** 02 December 2020 16:12  
**To:** Taylor, Melinda; Trial Chamber X Communications; [REDACTED]  
**Cc:** Al Hassan Prosecution Team; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team; Office of the Director DJSS; [REDACTED] Chamber Decisions Communication; [REDACTED] Associate Legal Officer-Court Officer; [REDACTED]  
**Subject:** RE: Participation by video-link tomorrow

Dear colleagues,  
 Dear counsel,

The Chamber observes that trial attendance is the right but also a duty of the accused. Unless grounded reasons are given, in-person attendance is the principle and participation via video-link the exception. [REDACTED]

[REDACTED]. Accordingly, and in light of the Defence's submissions, and noting that during hearing days, in-person consultations between Counsel and the accused are facilitated at the Court's premises, the Chamber instructs that Mr Al Hassan is brought to the court so he attend the hearings in person. The Chamber notes that this would enable Mr Al Hassan to consult with the Defence team during and after the hearing at the Court's premises.

Since due to current staffing constraints the Registry cannot confirm that the accused and the Defence may have in-person meetings at the Detention Centre after the hearing every time/every day, the Chamber considers that unless an objective risk arises and video-link participation is necessary, Mr Al Hassan should attend the trial proceedings in person.

Kind regards,

[REDACTED]  
 (on behalf of Trial Chamber X)

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**From:** Taylor, Melinda  
**Sent:** 02 December 2020 13:21  
**To:** Trial Chamber X Communications ; [REDACTED]  
**Cc:** Al Hassan Prosecution Team ; D28 Al Hassan Defence Team ; V43 Victims Al Hassan Team ; Office of the Director DJSS [REDACTED] Chamber Decisions Communication ; [REDACTED] Associate Legal Officer-Court Officer ; [REDACTED]  
**Subject:** RE: Participation by video-link tomorrow

Dear Trial Chamber X, Dear Colleagues,

Last week, the detention unit indicated in writing that [REDACTED], Mr. Al Hassan would be able to receive in person visits at the detention unit. However, apart from today's visit, the detention unit has refused to authorise in person visits on either Thursday or Friday (during normal visiting hours), and we have no indication as to when an in person visit will be authorised. Bearing in mind that Mr. Al Hassan is in trial, and has a right to meet his defence in person, this is an issue of concern for us. At the same time, [REDACTED]

[REDACTED]. Mr. Al Hassan also should not be expected to choose between his health, and his right to meet his Defence in person.

We are attempting to find solutions with the detention unit, but until such a solution is found, we are not in a position to respond to this email. Mr. Al Hassan does not wish to risk his health but his Defence will be compromised if we are compelled to defend him without the ability to attempt to obtain instructions from him on an ongoing basis throughout the next days and the next week.

Kind regards

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

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**From:** Trial Chamber X Communications [REDACTED]  
**Sent:** 01 December 2020 16:20  
**To:** [REDACTED] Trial Chamber X Communications; Taylor, Melinda  
**Cc:** Al Hassan Prosecution Team; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team; Office of the Director DJSS; [REDACTED] Chamber Decisions Communication; [REDACTED] Associate Legal Officer-Court Officer;  
**Subject:** RE: Participation by video-link tomorrow

Dear counsel,  
 Dear colleagues,

The Chamber notes that this afternoon (T-055) the Defence submitted that Mr Al Hassan wishes to follow the hearing via video-link on Thursday and Friday. The Chamber also notes that the Defence request appears to be conditioned on the possibility to have in-person visit at the detention centre on Friday afternoon.

The Chamber considers it is the choice of the accused to follow the hearing via video-link and that the Registry has confirmed its ability to make this arrangement. However, the Chamber will not rule or instruct the Registry on any additional measure to accommodate this preference of the accused. This is a matter that must be discussed between the accused and his counsel, in consultation with the Registry.

Nonetheless, and noting that Mr Al Hassan's transport requires the cooperation of the Host State, the Chamber instructs the Defence to inform the Registry of Mr Al Hassan's promptly so that the [REDACTED].

Kind regards,

[REDACTED]  
 (on behalf of Trial Chamber X)

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**From:** [REDACTED]  
**Sent:** 01 December 2020 08:47  
**To:** Trial Chamber X Communications [REDACTED] Taylor, Melinda  
**Cc:** Al Hassan Prosecution Team [REDACTED] D28 Al Hassan Defence Team  
 [REDACTED]; V43 Victims Al Hassan Team [REDACTED]; Office of the  
 Director DJSS [REDACTED] Chamber Decisions  
 Communication [REDACTED]  
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]  
**Subject:** RE: Participation by video-link tomorrow

Dear Trial Chamber X,

The Registry hereby confirms that all arrangements are being put in place to facilitate Mr Al Hassan's participation via video link today.

Kind regards,

[REDACTED]

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**From:** Trial Chamber X Communications [REDACTED]  
**Sent:** 30 November 2020 20:34  
**To:** Taylor, Melinda [REDACTED] Trial Chamber X Communications [REDACTED]  
**Cc:** Al Hassan Prosecution Team [REDACTED] D28 Al Hassan Defence Team  
[REDACTED]; V43 Victims Al Hassan Team [REDACTED] Office of the  
Director DJSS [REDACTED] Chamber Decisions  
Communication [REDACTED]  
**Subject:** RE: Participation by video-link tomorrow

Dear colleagues,  
Dear counsel,

The Single Judge notes that Mr Al Hassan requests leave to participate via video-link tomorrow, in light of the [REDACTED] COVID-19 risk and also the possibility to meet in person with his counsel on Wednesday (as there is no hearing then). The Single Judge also notes that the Defence has inquired and the Registry appears to be available to facilitate the video-link.

In light of the above, noting the timing of the request, and insofar as the Registry can confirm that Mr Al Hassan's participation via video-link tomorrow can be facilitated without any issues, the Single Judge grants the request.

Kind regards,

[REDACTED]  
(on behalf of the Single Judge to Trial Chamber X)

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**From:** Taylor, Melinda [REDACTED]  
**Sent:** 30 November 2020 18:41  
**To:** Trial Chamber X Communications [REDACTED]  
**Cc:** Al Hassan Prosecution Team [REDACTED] D28 Al Hassan Defence Team  
[REDACTED] V43 Victims Al Hassan Team [REDACTED] Office of the  
Director DJSS [REDACTED]  
**Subject:** Participation by video-link tomorrow

Dear Trial Chamber X,

Mr. Al Hassan would respectfully like to request that he participate by video-link tomorrow, due to the [REDACTED] enhanced risk of Covid [REDACTED]. Given that Wednesday is not a hearing day, it is our understanding that we would be able to meet and consult with Mr. Al Hassan in person on Wednesday, at the detention unit. Mr. Al Hassan has already inquired with the detention unit regarding the process for requesting this course of action, and has been advised that it is for the Chamber to decide.

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

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