

Annex 11

Confidential

[REDACTED]

From: Trial Chamber X Communications
Sent: 15 April 2021 14:01
To: D28 Al Hassan Defence Team; Al Hassan Prosecution Team; V43 Victims Al Hassan Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber X Communications
Subject: Decision on Defence requests of 15 April 2021 relating to P-0635

Dear Counsel,

The Chamber notes there are two pending requests of the Defence.

First, the Defence requests leave to add two items to its list of evidence (the 'Regulation 35 Request', email from the Defence today at 12:22). The Chamber is satisfied that the late addition of these two items is justified. Pursuant to Regulation 35(2) of the Regulations, the Chamber grants the Regulation 35 Request and authorises the Defence to add items [REDACTED] and [REDACTED] to its list of material for P-0635.

Second, the Defence requests disclosure of 'a forensic copy of the materials provided to P-635 on 3 September 2019' (the 'Disclosure Request', email from the Defence today at 11:44. *See also* response of 12:24 and reply of 12:33). The Prosecution opposes the Disclosure Request.

The Chamber notes the Defence submits the disclosure of this forensic copy is necessary to verify the list of materials provided to P-0635 on 3 September 2019 and whether P-0635 'first reviewed the panoramas, before reviewing the individual stills'.

However, the Chamber notes that the Prosecution has confirmed that the Defence is informed of the material that P-0635 was in possession of. There is nothing before the Chamber indicating otherwise. Moreover, the Chamber agrees with the Prosecution that P-0635 is on the stand and can therefore be cross-examined. In particular, the Chamber considers that the issue of whether P-0635 'first reviewed the panoramas, before reviewing the individual stills' can be posed during the cross-examination.

Accordingly, the Chamber rejects the Disclosure Request.

Kind regards,

[REDACTED]
On behalf of Trial Chamber X