

# Annex 21

Confidential *ex parte*

Prosecution and Defence only

**From:** Trial Chamber X Communications  
**Sent:** 29 April 2021 10:00  
**To:** D28 Al Hassan Defence Team; Al Hassan Prosecution Team  
**Cc:** Trial Chamber X Communications; Chamber Decisions Communication  
**Subject:** TC X - Single Judge directions related to Defence Request for lifting redactions and extension of time

Dear Counsels,

The Single Judge recalls the procedure for contested redactions contained in her decision on the evidence disclosure protocol (decision #546, para. 16; and PTC I decision #31, para. 31). For the adjudication of the below request from the Defence, the Single Judge directs that, by 4 May 2021, together with its submission providing a justification for the contested redactions, the Prosecution transmits *ex parte* to the Chamber an unredacted copy of document [REDACTED]

The Single Judge also instructs that any response to the Defence request for an extension of time be provided by 4 May 2021.

Best regards,

On behalf of the Single Judge of TC X

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**From:** Taylor, Melinda <mtaylor[REDACTED]>  
**Sent:** 28 April 2021 19:17  
**To:** Trial Chamber X Communications <TrialChamberXCommunications[REDACTED]>  
**Cc:** D28 Al Hassan Defence Team <D28AlHassanDefenceTeam[REDACTED]>; Al Hassan Prosecution Team <AlHassanProsecutionTeam[REDACTED]>  
**Subject:** Request for lifting redactions

Dear Trial Chamber X,

On 1 April 2021, the Prosecution filed its *application* [REDACTED] *to introduce into evidence the prior recorded testimony and associated material of Prosecution Witness* [REDACTED]. On the same day, the Single Judge set the deadline for responses to the Application to 45 days after disclosure of [REDACTED] or C.O.B. on 21 May 2021. On 8 April and 14 April 2021, the Defence wrote to the Prosecution to request the lifting of certain redactions to the statement and associated material of Witness [REDACTED]. The Prosecution responded on 23 April 2021, partially lifting the requested redactions. On the same day, the Defence responded, reiterating its request for the lifting of redactions to [REDACTED] and the disclosure of the identity of [REDACTED]. On the same day, the Prosecution responded, refusing both request (email exchange appended in full to this email).

The Defence avers that the requested disclosures are justified for the following reasons:

- [REDACTED] is a set of alleged medical documents with the names and other identifying information of the purported doctors and medical institutions redacted. The Prosecution's case [REDACTED] is based almost entirely on these documents (and derivative expert opinion). The Defence has the right to challenge the authenticity of these documents, and the qualifications of the individuals in question to provide such opinions. In order to do so, the

Defence must conduct investigations in order to verify the existence of the doctors and institutions in whose names the documents have been created. With the names of doctors and medical institutions redacted from the documents – the Defence is unable to verify or challenge their authenticity or expertise and is therefore prevented from effectively challenging [REDACTED]. As such, the Defence respectfully requests the Chamber to order the Prosecution to lift the relevant redactions to allow the Defence to conduct its inquiries.

- [REDACTED]

As a final point, the Defence notes that the Prosecution's delay in responding to the Defence – from 8<sup>th</sup> April until 23 April – has had an impact on the Defence's preparation for formulating a response to the Prosecution's [REDACTED] application in relation to [REDACTED]. As such, and in order to safeguard the Defence's right to adequate time and facilities to prepare its case, the Defence respectfully requests the Trial Chamber to amend the filing deadline for its response to take account of the 15-day delay – i.e. to extend the deadline to the 5 June 2021.

Kind regards,

Melinda Taylor, on behalf of the Al Hassan Defence

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