

Annex 34

Confidential *ex parte*

Prosecution and Defence only

From: Trial Chamber X Communications
Sent: 07 May 2021 13:49
To: D28 Al Hassan Defence Team
Cc: Chamber Decisions Communication; Al Hassan Prosecution Team; Trial Chamber X Communications
Subject: TC X - Provision of information following instructions seeking Defence views on [REDACTED]

Dear Counsel,

With respect to your below request, the Single Judge finds it appropriate to provide the Defence with the extracts of the *ex parte* submissions received [REDACTED] which have triggered the Chamber's consideration of the possibility of hearing his testimony in closed sessions exclusively:

- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Kind regards,

[REDACTED]
On behalf of the Single Judge of TC X

From: [REDACTED]
Sent: 07 May 2021 12:05
To: Trial Chamber X Communications <TrialChamberXCommunications[REDACTED]>; D28 Al Hassan Defence Team <D28AlHassanDefenceTeam[REDACTED]>
Cc: Chamber Decisions Communication <ChamberDecisionsCommunication[REDACTED]>; Al Hassan Prosecution Team <AlHassanProsecutionTeam[REDACTED]>
Subject: RE: TC X - Instructions seeking Defence views on [REDACTED]

Honourable Trial Chamber X,

Pursuant to Articles 64(7), 67(1), and 68(1) and (5), and as emphasised by the Chamber at paragraphs 13 and 15 of the *Fourth Decision on Matters Related to the Conduct of Proceedings* (ICC-01/12-01/18-1265), the Defence is under an obligation both to respect and to defend the publicity of proceedings.

While not necessarily opposing the use of closed sessions where strictly necessary, it is impossible for the Defence to make an informed response – either at this juncture or in the courtroom – without fully understanding the basis of the request [REDACTED] testimony be provided exclusively in closed session ('Request').

Accordingly, if the Chamber determines that it remains necessary to maintain the current classification of the relevant filings, the Defence respectfully requests sufficiently detailed information as to the basis of the Request such that it might be afforded the opportunity to exercise its right to provide an informed response.

Respectfully,

[REDACTED]
Defence for Al Hassan

From: Trial Chamber X Communications [<mailto:TrialChamberXCommunications@icc-01/12-01/18-1660-Anx34-Red>]
Sent: 07 May 2021 10:56
To: D28 Al Hassan Defence Team
Cc: Trial Chamber X Communications; Chamber Decisions Communication; Al Hassan Prosecution Team
Subject: TC X - Instructions seeking Defence views on [REDACTED]

Dear Counsel,

The Chamber notes that, [REDACTED]. The Chamber does not consider it necessary to reclassify the related filings at this stage, but nonetheless finds it appropriate to give the Defence an opportunity to respond. The Chamber instructs that, if any, Defence views on this be provided via email by C.O.B. on Tuesday 11 May 2021.

Kind regards,

[REDACTED]
On behalf of Trial Chamber X

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.