

Annex 53

Confidential

From: Trial Chamber X Communications
Sent: 28 May 2021 09:19
To: D28 Al Hassan Defence Team; V43 Victims Al Hassan Team; Al Hassan Prosecution Team
Cc: Chamber Decisions Communication; Trial Chamber X Communications
Subject: TC X: Single Judge decision on timeline for Defence response to Prosecution request -1408-Conf

Dear Counsel,

The Single Judge hereby vacates the current deadline set for the filing of a Defence response to the Rule 68(2)(c) application in respect of P-0570 (#1408-Conf). In the circumstances, and unless decided otherwise, the Single Judge finds it appropriate that such response be filed within 10 days of receipt by the Defence of lesser-redacted versions of the relevant material discussed below.

Best regards,

On behalf of the Single Judge of TC X

From: [REDACTED]
Sent: 27 May 2021 13:22
To: Trial Chamber X Communications <TrialChamberXCommunications@[REDACTED]>
Cc: Chamber Decisions Communication <ChamberDecisionsCommunication@[REDACTED]>; D28 Al Hassan Defence Team <D28AlHassanDefenceTeam@[REDACTED]>; V43 Victims Al Hassan Team <V43LRVTeam@[REDACTED]> Al Hassan Prosecution Team <AlHassanProsecutionTeam@[REDACTED]>
Subject: Re: TC X: Single Judge decision on timeline for implementation of Third Decision of the Single Judge on the disclosure of information related to P-0572 - Confidential

Dear Trial Chamber X,
Honourable Single Judge,

The Defence thanks the Single Judge for the invitation to file a request for an extension of time for filing a response to the Prosecution's application under Rule 68(2)(c) in relation to P-0570.

The Defence hopes to submit this request as soon as practicable. However, in order to assess the extra time required to respond to the Prosecution's application, the Defence has requested the Prosecution to provide the Defence with an estimate of the volume of case materials affected by the order to lift redactions to P-0572's name. This information will enable the Defence to assess the time and resources required to conduct case material review and investigations, which will in turn inform the time required to respond to the Rule 68(2)(c) application. The Defence will make its application as soon as this information is provided by the Prosecution.

Respectfully submitted,

On behalf of Al Hassan Defence

From: Trial Chamber X Communications <[TrialChamberXCommunications](#)>
Sent: 25 May 2021 14:54
To: D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)>; V43 Victims Al Hassan Team <[V43LRVTeam](#)>; Al Hassan Prosecution Team <[AlHassanProsecutionTeam](#)>
Cc: Trial Chamber X Communications <[TrialChamberXCommunications](#)>; Chamber Decisions Communication <[ChamberDecisionsCommunication](#)>
Subject: TC X: Single Judge decision on timeline for implementation of Third Decision of the Single Judge on the disclosure of information related to P-0572 - Confidential

Dear Counsel,

With respect to the below requests from the Prosecution and Legal Representatives of Victims, the Single Judge takes notes [REDACTED] In light of this, she finds it appropriate to grant the requests and is agreeable to delaying by two weeks disclosure of P-0572's identity and identifying information, as well as the provision to the Defence of confidential redacted versions of related filings. Further, as a result, the Single Judge is open to granting a reasonable extension of time for the filing of any Defence response to the related Prosecution application under Rule 68(2)(c) of the Rules for P-0570, but prefers to await such a request from the Defence before setting any specific deadline. [REDACTED]
 [REDACTED]

Kind regards,
 [REDACTED]

On behalf of the Single Judge of Trial Chamber X

From: [REDACTED]
Sent: 25 May 2021 10:43
To: Trial Chamber X Communications <[TrialChamberXCommunications](#)>
Cc: D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)>; V43 Victims Al Hassan Team <[V43LRVTeam](#)>; Al Hassan Prosecution Team <[AlHassanProsecutionTeam](#)>; [REDACTED]; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)>
Subject: RE: TC X: Third Decision of the Single Judge on the disclosure of information related to Prosecution intermediary P-0572 - Confidential

Chère Chambre de première instance X,

Les Représentants légaux partagent les préoccupations du Bureau du Procureur et se rallient à sa demande.

Revenant à leur courriel du 24 mai 2021 à 16h06, et au vu de la requête de l'Accusation, ils sollicitent de pouvoir déposer la version confidentielle expurgée de leurs observations [REDACTED] une fois que le Bureau du Procureur aura déposé la version confidentielle expurgée ou sollicité la reclassification de son Addendum [REDACTED]

Respectueusement,

Pour les Représentants légaux,
 [REDACTED]

From: [REDACTED]
Sent: 25 May 2021 10:09
To: Trial Chamber X Communications <[TrialChamberXCommunications](#)>; Associate Legal

Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)> [REDACTED]
Cc: D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)> [REDACTED]; V43 Victims Al Hassan Team <[V43LRVTeam](#)> [REDACTED]; Al Hassan Prosecution Team <[AlHassanProsecutionTeam](#)> [REDACTED]
Subject: FW: TC X: Third Decision of the Single Judge on the disclosure of information related to Prosecution intermediary P-0572 - Confidential

Confidential

Dear Trial Chamber X,

The Prosecution has made initial submissions to the Chamber [REDACTED]. The Prosecution is now copying a confidential version of its request, to the other parties and participants, which is identical [REDACTED].

The Prosecution requests an additional two weeks prior to disclosure of her name to the Defence, in order to seek to put in place mitigation measures to support P-0572.

The Prosecution further requests the Chamber that:

- (a) P-0572's name [REDACTED], [REDACTED]
- (b) the Prosecution be granted as well an additional two weeks within which to file a confidential redacted version, or seek reclassification of, [REDACTED]

On 24 May 2021, the Prosecution explained to the Single Judge that due to oversight, it had been unable to file within the time-limit the confidential redacted version of the Addendum which was due on 24 May 2021. It also indicated that it would file it as soon as possible. The Prosecution seeks an additional two weeks within which to file it or seek reclassification thereof for the reasons explained above.

The Prosecution is aware that this delay in disclosure of P-0572's identity will impact on the date the Defence was due to make its submissions regarding the Prosecution's application to admit P-0570's statement under rule 68(2)(c) ("Application") and proposes an additional week after the disclosure of the identity of P-0572 in order for the Defence to submit its response to the Application.

Kind regards,

[REDACTED]
 Trial Lawyer

From: Trial Chamber X Communications <[TrialChamberXCommunications](#)> [REDACTED]
Sent: 24 May 2021 14:17
To: Al Hassan Prosecution Team <[AlHassanProsecutionTeam](#)> [REDACTED]; D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)> [REDACTED]; V43LRVTeam [REDACTED]
Cc: Chamber Decisions Communication <[ChamberDecisionsCommunication](#)> [REDACTED]; Trial Chamber X Communications <[TrialChamberXCommunications](#)> [REDACTED]

Subject: TC X: Third Decision of the Single Judge on the disclosure of information related to Prosecution intermediary P-0572 - Confidential

Dear Counsel,

The Single Judge issues the present ruling [REDACTED] of the 'Second Decision on the disclosure of information related to Prosecution intermediary P-0572' (ICC-01/12-01/18-1487-Conf, the 'Decision'). In light of the below ruling, [REDACTED], the Single Judge finds it appropriate to render the present email decision 'confidential'.

The Single Judge appreciates the LRVs' efforts [REDACTED]. The Single Judge also takes note of the updated information provided by the LRVs [REDACTED]. While the Single Judge accepts that this information is of relevance to the determination rendered in the Decision, and deserves her consideration, and having in mind this Chamber's standard threshold for reconsideration requests, she finds that the information newly provided does not warrant reversing the Decision.

The Single Judge emphasises that the disclosure was not ordered because of a reliance by the Prosecution on an 'intermediary status' for P-0572. Quite to the contrary, at paragraph 8 of the Decision, it was found that 'beyond her role as a Prosecution intermediary, most notably in light of her involvement vis-à-vis Witness P-0570, [materiality] has been established'. This finding was reached in light of all information available at the time, including the additional information provided in the Addendum. Most notably, and while it was not specifically referred to in the Decision - out of an abundance of caution -, the Single Judge finds it appropriate to now indicate that the information considered includes, notably, the fact that P-0572's name already appears in the material disclosed in relation to P-0570 [REDACTED]. The Single Judge also recalls that she gave consideration to the fact that 'the Defence expressed a particular interest in tracing P-0572's involvement in relation to the evidence in this case' (Decision, para. 9), referring to the Defence's submissions which in turn refer to P-0572 by name [REDACTED] (ICC-01/12-01/18-1466-Conf, para. 14).

Finally, and in light of the specifications [REDACTED]
[REDACTED]
[REDACTED]

Accordingly, the LRVs' Request is dismissed.

Kind regards,
[REDACTED]

On behalf of the Single Judge of TC 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.

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.