

Annex 62

Confidential

From: Trial Chamber X Communications
Sent: 08 June 2021 11:03
To: Al Hassan Prosecution Team; D28 Al Hassan Defence Team (D28AlHassanDefenceTeam [REDACTED]); V43 Victims Al Hassan Team (V43LRVTeam [REDACTED])
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber X Communications
Subject: TC X - Decision shortening the time limit for responses to Defence 'Request for review of contact between OTP and [REDACTED]'

Dear counsel,

Pursuant to Regulation 34 of the Regulations of the Court, the Single Judge instructs that any responses to the below request be submitted via email by Thursday, 10 June 2021.

Kind regards,

On behalf of the Single Judge of Trial Chamber X

From: [REDACTED]
Sent: 07 June 2021 19:33
To: Trial Chamber X Communications
Cc: Taylor, Melinda; Dutertre, Gilles; D28 Al Hassan Defence Team; Al Hassan Prosecution Team
Subject: Request for review of contact between OTP and [REDACTED]

Your Honours,
Dear Colleagues,

The Defence regrets that it has become necessary to engage the Chamber; however, as demonstrated by the attached correspondence, our attempts at reaching an *inter partes* solution have been exhausted.

In line with Rule 77, the Defence has requested the disclosure of [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Defence considers that contact between the Prosecution and [REDACTED] is relevant to its preparations. This is emphasised by the admitted fact that the OTP was communicating directly with [REDACTED] and therefore communicating with [REDACTED]. Previously, the Prosecution has disclosed records concerning its reliance on [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

[REDACTED]. Records of contact between the OTP and [REDACTED] are material to the preparations of the Defence because they will illuminate the contours of the relationship between the OTP and [REDACTED] and enable the Defence to streamline any necessary questioning in this regard in its cross-examination. In addition to the fact of contact, even 'contacts logistiques' contain information relevant to issues of witness availability, personal concerns, and timing of testimony, all of which are issues properly addressed to VWU, or *inter partes*, rather than unilaterally by the OTP. These records are thus disclosable pursuant to Rule 77.

[REDACTED]
[REDACTED]. In view of the proximity of these communications to [REDACTED]'s testimony, these documents may shed light on changes between the information provided during his preparation sessions and his ultimate testimony.

The Defence accordingly respectfully requests that the Single Judge review the material to ensure that any disclosable material is duly identified and provided to the Defence.

Kind regards,

[REDACTED]
Defence for Al Hassan

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