

# Annex 72

Confidential *ex parte*

Defence and Registry only

**From:** Trial Chamber X Communications  
**Sent:** 24 June 2021 16:29  
**To:** Taylor, Melinda; Trial Chamber X Communications  
**Cc:** D28 Al Hassan Defence Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication  
**Subject:** RE: Security request that the Defence direct a matter to the Chamber

Dear counsel,

The Chamber notes the Defence's e-mail, seeking a decision of the Chamber in relation to Mr Al Hassan's use of the consultation room, particularly to pray with one member of the Defence team.

Although the Chamber notes that in their submissions the Defence states that 'security has indicated that this matter must be remitted to the Chamber', the Chamber reiterates that such matters fall within the Registry's purview and that 'is ultimately for the Registry to make any necessary arrangements in light of the relevant safety and security requirements, as well as any COVID-19 associated restrictions, considering the importance of the accused being able to perform his religious activities alongside trial hearings, the Chamber expects that the possibility of Mr Al Hassan being allowed to pray in the consultation room in between sessions will be fully explored'. (Decision 1467, para. 86).

Accordingly, the Chamber rejects the Defence request. The Defence is instructed to seize the Registrar so that in accordance with the aforesaid decision of the Chamber, prayer in the consultation room is fully explored, including, as suggested by the Defence, with the presence of a member of the Defence team.

The Chamber notes however, that the aforesaid Chamber's decision was issued six weeks ago, and that to date, it appears that the Registry is yet to reach a decision on the issue of the consultation room for prayer. Accordingly, the Chamber considers the Registry could explore whether the alternative suggested by the Defence (i.e. prayer with a member of the Defence team in the consultation room) is feasible and appropriate, bearing in mind safety and security requirements, as well as any COVID-19 restrictions.

Kind regards,

  
 (on behalf of Trial Chamber X)

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**From:** Taylor, Melinda <mtaylor>  
**Sent:** 23 June 2021 14:07  
**To:** Trial Chamber X Communications <TrialChamberXCommunications>  
**Cc:** D28 Al Hassan Defence Team <D28AlHassanDefenceTeam>; Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer>  
**Subject:** Security request that the Defence direct a matter to the Chamber  
**Importance:** High

Dear Trial Chamber X,

As the Chamber is aware, the Registry has refused to allow Mr Al Hassan to conduct prayers in the consultation room for security reasons, even though he is allowed to meet with his Defence in this room.

For the last month, after checking with security, Me. Youssuf (who is entitled to privileged visits with Mr Al Hassan) has been meeting Al Hassan each afternoon hearing, and praying with him, to ensure his welfare and well-being. Today, he was prohibited from doing so, and was told he needed the permission of the Chamber to pray with Mr Al

Hassan. In the absence of family visits, the Defence plays a key role in maintaining Mr Al Hassan's spirits and well-being. Before Covid, during regular detention visits, the Defence frequently had meals with Mr Al Hassan. This is standard practice at the detention unit and plays an important role in ensuring that presumed innocent individual can retain some semblance of normalcy in detention. This is of particular importance during intense hearing schedules, when Mr Al Hassan's primary interactions are with his Defence. The same applies to other aspects of daily life such as prayers.

Given that security has indicated that this matter must be remitted to the Chamber, the Defence seeks an order from the Chamber to allow Me. Youssuf to pray with Mr Al Hassan during his legal consultations. This occurs in a room which is visually surveilled by security and Me Youssef (and Counsel) are regularly screened by security before entering this room.

Kind regards

Melinda Taylor on behalf of the Defence

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