

# Annex 3

Confidential

**From:** Trial Chamber X Communications  
**Sent:** 06 July 2021 19:52  
**To:** Al Hassan Prosecution Team; 'D28AlHassanDefenceTeam'; 'V43LRVTeam';  
**Cc:** Associate Legal Officer-Court Officer; Trial Chamber X Communications; Chamber Decisions Communication  
**Subject:** Reclassification of e-mail decisions

Dear counsel,

Pursuant to Regulation 23*bis* of the Regulations of the Court, the Single Judge hereby reclassifies the following e-mails as confidential:

- ) E-mail of 24 June 2021 at 12:52
- ) E-mail of 24 June 2021 at 12:02
- ) E-mail of 26 May 2021 at 18:07
- ) E-mail of 24 May 2021 at 13:43
- ) E-mail of 18 May 2021 at 17:49
- ) E-mail 3 February 2020 at 16:38
- ) E-mail of 1 January 2020 at 15:58

For the convenience of the parties, the aforesaid e-mails are transmitted below.

Kind regards,

(on behalf of the Single Judge to Trial Chamber X)

**RECLASSIFIED AS CONFIDENTIAL**

**From:** Trial Chamber X Communications <[TrialChamberXCommunications](#)>

**Sent:** 24 June 2021 12:52

**To:** >; Trial Chamber X Communications

<[TrialChamberXCommunications](#)>

**Cc:** Taylor, Melinda <[mtaylor](#)>; D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)>; Chamber Decisions Communication <[ChamberDecisionsCommunication](#)>

**Subject:** E-mail Decision - Confidential Ex Parte

Dear counsel,

The Chamber notes the Defence request seeking an extension of deadline to add items to their list of material for the . Pursuant to Regulation 35 of the Regulations of the Court, the Single Judge considers that good cause has been shown by the Defence.

In particular, the Single Judge notes that pursuant to her decision of 24 May 2021 (E-mail at 13:43), the Registry was instructed to transmit the , and that this is still pending. The Single Judge further notes the Defence's submission that it will disclose the material on a rolling basis and that it will not touch .

Accordingly, the Single Judge grants the Defence request.

Kind regards,

(on behalf of the Single Judge to Trial Chamber X)

**RECLASSIFIED AS CONFIDENTIAL**

**From:** Trial Chamber X Communications <[TrialChamberXCommunications](#)>

**Sent:** 24 June 2021 12:02

**To:** Taylor, Melinda <[mtaylor](#)>; D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)>

**Cc:** Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)>; Office of the Director DJSS <[OfficeoftheDirectorDJSS](#)>; VWS Legal <[VWS\\_Legal](#)>

>; Trial Chamber X Communications

<[TrialChamberXCommunications](#)>; Chamber Decisions Communication

<[ChamberDecisionsCommunication](#)>

**Subject:** TC X - Ex parte Single Judge decision on Defence Urgent request to review redactions applied to [REDACTED]

Dear Counsel,

The Single Judge notes the below request from the Defence [REDACTED] seeking to be provided with a [REDACTED] [REDACTED]

[REDACTED]. It is recalled that this material was initially transmitted to the Defence pursuant to the Single Judge's email ruling of 24 May 2021 at 13:43 under Article [REDACTED] of the Rome Statute.

The Single Judge has reviewed the contested redactions and finds that the information redacted is, as submitted by the Defence, of potential relevance to the case. The Single Judge also considers that lifting these redactions is likely to pose no risk to the security or privacy of either [REDACTED] or any third party. Accordingly, the Single Judge instructs the Registry to prepare a lesser redacted version of [REDACTED], lifting all redactions at:

- Page 2, para. 45;
- Pages 2 to 3, para. 51;
- Page 3, para. 67;
- Page 4, para. 71;
- Page 4, para. 77;
- Page 4, para. 79; and
- Page 4, paras 84 and 85.

The Registry is instructed to transmit this lesser redacted version to the Defence by Friday 25 June 2021 C.O.B.

Further, the Single Judge directs that the names '[REDACTED]' be left unredacted in the preparation of further [REDACTED] [REDACTED] for the purpose of their transmission to the Al Hassan Defence team.

Kind regards,

On behalf of the Single Judge of Trial Chamber X

**RECLASSIFIED AS CONFIDENTIAL**

**From:** Trial Chamber X Communications <[TrialChamberXCommunications](#)[REDACTED]>

**Sent:** 26 May 2021 18:07

**To:** Taylor, Melinda <[mtaylor](#)[REDACTED]>

**Cc:** D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)[REDACTED]>; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)[REDACTED]>; VWS Legal <[VWS\\_Legal](#)[REDACTED]>; Chamber Decisions Communication <[ChamberDecisionsCommunication](#)[REDACTED]>; Trial Chamber X Communications <[TrialChamberXCommunications](#)[REDACTED]>

**Subject:** Decision on Defence Request to lift redactions in [REDACTED]

Dear counsel,

Dear colleagues,

The Single Judge notes the Defence request (e-mail of 25 May 2021 12:16) seeking disclosure of a lesser redacted version of the [REDACTED] [REDACTED]. In particular, the Defence requests that when an individual called [REDACTED] is mentioned (either with that name or a nickname), redactions are lifted. The Single Judge notes that the individual [REDACTED] is relevant to the expected evidence of [REDACTED] (see ICC-01/12-01/18-740-Conf-AnxB, p. 579-593). The Single Judge notes that the Defence requests that redactions are lifted for the pages contained in the document it attaches [REDACTED] but also in the rests of [REDACTED] [REDACTED] disclosed to the Defence (see the complete [REDACTED] available only to the Registry [REDACTED]).

Although the Single Judge cannot ascertain whether the specific individual [REDACTED] [REDACTED] she considers that in some instances it appears that [REDACTED] may refer to this individual [REDACTED]

The Single Judge therefore considers that references to '[REDACTED] [REDACTED]' can be lifted. Although as noted above it cannot be determined whether all references refer to [REDACTED], the Single Judge considers lifting the said redactions is likely to pose no risk to the security or privacy of either [REDACTED] or any third party. Accordingly, the Single Judge instructs the Registry to prepare a lesser redacted version [REDACTED] [REDACTED] and transmit them to the Defence by 4 June 2021. With reference to the unredacted version of these transcripts ([REDACTED]), the Single Judge considers that the following redactions should be lifted:

- P.2, line 11
- P. 4, line 91
- P. 8, lines 19-20
- P. 13, line 192
- P. 14, lines 205-208
- P. 18, lines 19-20
- P. 26, line 261
- P. 28, line 54
- P. 29, lines 78-81 and 85
- P. 34, lines 228 and 232
- P. 36, lines 295-296
- P. 37, lines 321-322
- P. 39, lines 44, 47 and 51
- P. 41, lines 15-16
- P. 48, line 28
- P. 50, line 17
- P. 56, lines 11-12
- P. 63, line 234

In addition, the Single Judge considers that all redactions contained in p.10, line , lines 102 to 124 and p. 12, lines 128-130, as well as p.36, lines 295-296, should also be lifted.

Kind regards,

(on behalf of the Single Judge to Trial Chamber X)

**RECLASSIFIED AS CONFIDENTIAL**

**From:** Trial Chamber X Communications <[TrialChamberXCommunications](#)>

**Sent:** 24 May 2021 13:43

**To:** 'D28AlHassanDefenceTeam' <[D28AlHassanDefenceTeam](#)>

**Cc:** Office of the Director DJSS <[OfficeoftheDirectorDJSS](#)>; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)>; Chamber Decisions Communication <[ChamberDecisionsCommunication](#)>; Trial Chamber X Communications <[TrialChamberXCommunications](#)>

**Subject:** Decision on the Defence Request

Dear counsel,

Dear colleagues,

The Single Judge refers to 61(11), 64(2) and (6)(a), 67 and 68(1) of the Statute,

The Single Judge notes that Defence urgent request , seeking disclosure of

(the 'Request').

Specifically the Defence seeks disclosure, with redactions as necessary, of

Additionally, the Defence seeks the same aforesaid information in relation to

Alternatively, the Defence requests that the Single Judge orders

The Single Judge notes the observations of the Registry (filing 1496-Conf-Exp), which, as instructed by the Single Judge (see e-mail of the Single Judge on 18 May 2021 at 17:49), focus particularly on whether and when

(the 'Observations').

The Single Judge also notes the Defence request for leave to reply (E-mail of the Defence on 21 May at 17:09). The Single Judge considers that further submissions as suggested by the Defence are not necessary. Accordingly, the request for leave to reply is rejected.

At the outset, the Single Judge notes that although the Request was filed as urgent, it appears that disclosure of this information could have been requested much earlier, as the Defence knew about [REDACTED]. The Defence also has been informed about the identity of most witnesses in the Prosecution List of Witnesses for more than a year. Accordingly, the Single Judge considers that regardless of her determination on whether the sought disclosure is warranted, this shall not affect either the commencement of [REDACTED] testimony or the start of the cross-examination.

[REDACTED] The Single Judge considers that this previous decision is relevant in her determination of the present Request. In particular, in that decision the Single Judge determined that a request seeking such disclosure must be specific and substantiated, [REDACTED]

[REDACTED] (Decision 630, para. 21). In that same Decision the Single Judge determined that a request that does not

[REDACTED] (Decision 630, para. 21).

As regards the first prong of the Request, the Single Judge considers that it is sufficiently specific and justified. In particular, the Defence seeks information about an individual it has identified as [REDACTED]

The Single Judge further notes that in its Observations, the Registry already confirms that [REDACTED]

As regards the additional and alternative prong of the Request, the Single Judge considers that the Defence has failed to meet the necessary requirements for disclosure and that this part of the Request is a speculative fishing expedition. Although all the Prosecution witnesses is a category of individuals, it is broad and lacks any specificity in terms of demonstrating why [REDACTED] should be disclosed as relevant to the case. Accordingly, the Single Judge partially grants the Request. The Registry is therefore instructed to transmit to the Defence [REDACTED]

[REDACTED], within two working days of the present decision. The Registry is instructed to transmit to the Defence the [REDACTED], with the necessary redactions, on a rolling basis. The VWU is to [REDACTED]

[REDACTED] The VWU may seize the Single Judge, if strictly necessary, where the need to apply redactions is not clear.

Kind regards,

(on behalf of the Single Judge to Trial Chamber X)

**RECLASSIFIED AS CONFIDENTIAL**

**From:** Trial Chamber X Communications <[TrialChamberXCommunications](#)>

**Sent:** 18 May 2021 17:49

**To:** Office of the Director DJSS <[OfficeoftheDirectorDJSS](#)>; VWS Legal <[VWS\\_Legal](#)>

**Cc:** Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#)>;

'D28AlHassanDefenceTeam' <[D28AlHassanDefenceTeam](#)>; Trial Chamber X

Communications <[TrialChamberXCommunications](#)>

**Subject:** Observations to Defence Request (filing 1482-Conf-Exp)

Dear colleagues,

Dear counsel,

The Single Judge instructs the Registry to file observations on the Defence request [REDACTED] particularly in relation to:

- [REDACTED]  
[REDACTED] with redactions as necessary; and
- any specific security concerns or other issues that might arise in relation to the above.

Kind regards,

[REDACTED]  
(on behalf of the Single Judge to Trial Chamber X)

**RECLASSIFIED AS CONFIDENTIAL**

From: Trial Chamber X Communications

Sent: 03 February 2020 16:38

To: [REDACTED]

Cc: Taylor, Melinda; [REDACTED]

[REDACTED] Trial Chamber X Communications

Subject: Al Hassan case - Proposed lesser redacted versions of transcripts in relation to filing [REDACTED]

Dear colleagues,

Noting Defence request [REDACTED] and Registry observations [REDACTED] the Single Judge finds it appropriate to instruct the Registry to provide the Chamber with proposed lesser redacted versions of the transcripts together with any relevant justifications and/or explanations by 18 February 2020.

Kind regards,

[REDACTED]  
On behalf of the Single Judge of Trial Chamber X

**RECLASSIFIED AS CONFIDENTIAL**

From: Trial Chamber X Communications

Sent: 21 January 2020 15:58

To: [REDACTED]

Cc: Taylor, Melinda; [REDACTED]

Subject: Al Hassan case - Observations on filing ICC-01/12-01/18-549-Conf-Exp

Dear colleagues,

On 9 January 2020, the Defence for Mr Al Hassan filed a request to obtain lesser redacted [REDACTED] [REDACTED]

The Single Judge instructs the Registry to file observations on the request by 30 January 2020, particularly in relation to:

- its ability to review the redactions applied in the transcripts communicated to the Defence, in line with the Defence request (in particular para. 28), and within what timeframe the review could be completed;
- whether the material requested by the Defence, as well as the [REDACTED]  
[REDACTED];
- [REDACTED]  
[REDACTED]; and
- any specific security concerns that might arise in relation to these issues.

These observations should be notified to the Defence, in redacted version if needed.

Kind regards,

[REDACTED]  
On behalf of the Single Judge of Trial Chamber X