

Annex 35

Confidential

From: Trial Chamber X Communications
Sent: 22 September 2021 10:28
To: Al Hassan Prosecution Team; D28AlHassanDefenceTeam [REDACTED]; V43LRVTeam [REDACTED]
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber X Communications
Subject: TC X - Directions on the use of private sessions and use of items (P-0641)

Dear counsel,

Having had regard to the highlighted summary, the Single Judge considers, in relation to paragraph 6 of the summary, that:

- evidence concerning the witness's interactions with Mr Al Hassan should be elicited in public session, save for lines of questioning that would identify the witness [REDACTED]; and
- evidence concerning the arrest of 'Vieux' should be elicited in public session save for discrete questions that would require the witness [REDACTED].

Further, in relation to paragraph 20, the Single Judge directs the Prosecution to adduce as much evidence as possible [REDACTED] in public session. Accordingly, [REDACTED] ns concerning [REDACTED] should be framed in a way that does not require the use of private sessions.

The Single Judge also directs the parties to remain mindful of the directions of the Chamber on the need to focus their questioning on matters bearing sufficient relevance to the case. The Prosecution should thus carefully evaluate the amount of details it must elicit from the witness [REDACTED], with a view to complying with the Chamber's directions and also limiting the use of private sessions to the bare minimum.

The Single Judge also considers it necessary to reiterate that the parties should endeavour to display all items used in court to the public, unless there are compelling reasons for not doing so. In this regard, the parties should look beyond the current classification of the item in question, and attempt using items and organising their related questioning in a way that allows them to be displayed publicly. For example, even if a particular video is classified as confidential, it should be broadcasted to the public if the specific portion to be used does not contain confidential information. As regards items highlighted in the summary, it appears to the Single Judge that item MLI-OTP-0018-2300 can be displayed to the public, considering notably the witness's comments on the item during the first preparation session.

Kind regards,

On behalf of the Single Judge of Trial Chamber X

From: Sardachti, Marie-Jeanne <[REDACTED]>
Sent: 20 September 2021 19:02
To: Trial Chamber X Communications <TrialChamberXCommunications[REDACTED]>
Cc: D28 Al Hassan Defence Team <D28AlHassanDefenceTeam[REDACTED]>; V43 Victims Al Hassan Team <V43LRVTeam[REDACTED]>; Al Hassan Prosecution Team <AlHassanProsecutionTeam[REDACTED]>; [REDACTED]; [REDACTED]; [REDACTED]
Subject: Highlighted summary of Witness P-0641

Dear Trial Chamber X,

Please find attached the witness summary of P-0641 with the Prosecution's proposed highlights regarding those aspects of the witness's testimony that will be elicited in private session.

Best regards,

Marie-Jeanne Sardachti