

Annex 41

Confidential

From: Trial Chamber X Communications
Sent: 27 September 2021 09:28
To: Taylor, Melinda; [REDACTED]; Trial Chamber X Communications
Cc: V43 Victims Al Hassan Team; D28 Al Hassan Defence Team; Al Hassan Prosecution Team; [REDACTED] Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: TC X - Decision on VPRS Request of guidance on TC X: Decision on request concerning victim application related to [REDACTED] testimony

Dear Counsel,

The Single Judge directs the VPRS to transmit to the parties as soon as possible the victim application form of victim [REDACTED]

Kind regards,
[REDACTED]

On behalf of the Single Judge of Trial Chamber X

From: Taylor, Melinda <mtaylor[REDACTED]>
Sent: 27 September 2021 08:21
To: [REDACTED]; Trial Chamber X Communications <TrialChamberXCommunications[REDACTED]>; Chamber Decisions Communication <ChamberDecisionsCommunication[REDACTED]>
Cc: V43 Victims Al Hassan Team <V43LRVTeam[REDACTED]>; D28 Al Hassan Defence Team <D28AlHassanDefenceTeam[REDACTED]>; Al Hassan Prosecution Team <AlHassanProsecutionTeam[REDACTED]>; [REDACTED]
Subject: RE: VPRS Request of guidance on TC X: Decision on request concerning victim application related to [REDACTED] testimony

Dear Trial Chamber X,

The Defence respectfully requests that the application be transmitted directly to the Defence, as per the email of 24 September 2021 [REDACTED]

Kind regards
Melinda Taylor on behalf of the Al Hassan Defence

From: [REDACTED]
Sent: 24 September 2021 17:22
To: Trial Chamber X Communications; Chamber Decisions Communication
Cc: V43 Victims Al Hassan Team; D28 Al Hassan Defence Team; Al Hassan Prosecution Team; [REDACTED]
Subject: VPRS Request of guidance on TC X: Decision on request concerning victim application related to [REDACTED] testimony
Importance: High

Dear Judge, Dear Trial Chamber X colleagues,
Dear counsel,

Following today's Single Judge's instructions, the VPRS [REDACTED] and has identified an application of a participating victim in the Al-Hassan case which may correspond to [REDACTED]

However the VPRS notes that, in the context of Mali, [REDACTED]

In the present situation, the VPRS does not have [REDACTED] full date of birth and/or parent's names nor is in possession of [REDACTED] identity document. [REDACTED]

The VPRS has contacted the common legal representatives ("CLRs") of the victim to enquire [REDACTED] The CLRs have indicated that they cannot confirm this information, and that only witness [REDACTED]

For the complete information of the Chamber, victim [REDACTED] (transmitted to the Chamber on 30 June 2020) was accepted to participate in the Al Hassan proceedings by Decision of 10 August 2020 (ICC-01/12-01/18-992).

In light of the above information, the VPRS would like to receive the guidance of the Chamber on whether the application of participating victim [REDACTED] in the Al-Hassan case should be transmitted (in redacted version if necessary) to the Defence. If so, the VPRS stands ready to proceed to such transmission.

Kind regards,

[REDACTED]
VPRS

From: [REDACTED]
Sent: 24 September 2021 13:43
To: Trial Chamber X Communications <[TrialChamberXCommunications](#)>; D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)>; Al Hassan Prosecution Team <[AlHassanProsecutionTeam](#)>
Cc: V43 Victims Al Hassan Team <[V43LRVTeam](#)>; Chamber Decisions Communication <[ChamberDecisionsCommunication](#)>
Subject: RE: TC X: Decision on request concerning victim application related to [REDACTED] testimony

Dear Judge, Dear Trial Chamber X colleagues,
 The VPRS has duly noted the Single Judge's instruction and will accordingly.
 Best regards,
 [REDACTED]

From: Trial Chamber X Communications <[TrialChamberXCommunications](#)>
Sent: 24 September 2021 13:27
To: [REDACTED] D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)>; Al Hassan Prosecution Team <[AlHassanProsecutionTeam](#)>
Cc: V43 Victims Al Hassan Team <[V43LRVTeam](#)>; Trial Chamber X Communications <[TrialChamberXCommunications](#)>; Chamber Decisions Communication <[ChamberDecisionsCommunication](#)>
Subject: TC X: Decision on request concerning victim application related to [REDACTED] testimony

Dear colleagues,
Dear counsel,

The Single Judge notes the Defence request for access to victim applications concerning [REDACTED] the 'Request'). The Single Judge observes that although this individual is not a witness, he was mentioned during the [REDACTED]

The Single Judge considers that the present Request is a specific request as foreseen in Decision 1248, para. 16. In the Request the Defence clearly identifies one individual ([REDACTED]) who has been assigned the code [REDACTED] who was mentioned in the in-court testimony and witness statement of [REDACTED] in relation to an incident involving the acts and conduct of the accused. The Single Judge therefore considers that the application form of this individual (if one has been filled-in and submitted) may have information necessary for the determination of the truth and that could therefore be material for the preparation of the Defence.

In light of the impending start of cross-examination of [REDACTED], the Single Judge considers that the form, if any, should be transmitted directly (with redactions if necessary) to the Defence, rather than first to the Prosecution.

Accordingly, the Single Judge instructs the VPRS to transmit to the parties **as soon as possible** the victim application form of [REDACTED] or indicate if no application form has been submitted to the Registry on his behalf. The Registry may apply redactions to avoid disclosing the witness's contact details.

Best regards,
[REDACTED] on behalf of the Single Judge of Trial Chamber X

From: Taylor, Melinda <[mtaylor](#)[REDACTED]>
Sent: 24 September 2021 08:43
To: Trial Chamber X Communications <[TrialChamberXCommunications](#)[REDACTED]>
Cc: V43 Victims Al Hassan Team <[V43LRVTeam](#)[REDACTED]>; Al Hassan Prosecution Team <[AlHassanProsecutionTeam](#)[REDACTED]>; D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)[REDACTED]>
Subject: FW: Victim Application - [REDACTED]

Dear Trial Chamber X,

In the event that the Chamber were to place any weight or accord any relevance to the incident pertaining to [REDACTED], the Defence should be afforded a full and fair opportunity to access information or evidence concerning this account. This includes victim application forms submitted before the ICC ([REDACTED]) by, or on behalf of [REDACTED] (or in relation to this incident). The Defence request therefore falls squarely within the terms of the Chamber's previous determination (email decision of 14 April 2021) concerning victims who are referred to by witnesses. For this reason, the Defence respectfully requests the Trial Chamber to order the LRV/VPRS to transmit any applications that correspond to this description.

Kind regards
Melinda Taylor on behalf of the Al Hassan Defence

From: [REDACTED]
Sent: 23 September 2021 22:53
To: Taylor, Melinda; [REDACTED]; V43 Victims Al Hassan Team
Cc: D28 Al Hassan Defence Team; Dutertre, Gilles; Al Hassan Prosecution Team
Subject: RE: Victim Application - [REDACTED]

Chère Consoeur,

Nous comprenons que vous cherchez à savoir si la personne citée ci [REDACTED] aurait déposé un formulaire de demande de participation.

Vous comprenez que même si tel était le cas, nous ne pouvons répondre à cette demande qui est dénuée de fondement légal et relève selon nous de la pêche aux informations en l'absence de justification quant à la pertinence des informations demandées. Nous exprimons notre inquiétude quant à une attitude qui vise manifestement à identifier de façon générale voir systématique, au fil des dépositions, et vis-à-vis de toute personne citée 1) les personnes qui sont ou pas victimes admises à participer voir demanderesses 2) le cas échéant obtenir communication de tout formulaire déposé. Nous regrettons d'avoir à répondre à des demandes dans lesquelles le critère de la pertinence (pourtant largement rappelé par la Chambre dans sa décision du 10 septembre dernier) n'est même pas avancé et encore moins motivé. Il vous appartient bien évidemment de saisir la Chambre si vous entendez maintenir votre demande .

Bien cordialement,

Pour les Représentants légaux

[REDACTED]

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

Sent: 23 September 2021 19:24

To: [REDACTED]; V43 Victims Al Hassan Team <[V43LRVTeam](#)[REDACTED]>

Cc: D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)[REDACTED]>; Dutertre, Gilles <[Gilles.Dutertre](#)[REDACTED]>; Al Hassan Prosecution Team <[AlHassanProsecutionTeam](#)[REDACTED]>

Subject: RE: Victim Application - [REDACTED]

Dear LRV,

Given the approaching commencement of Defence cross-examination, we would be grateful if you could kindly respond as soon as possible.

Kind regards

Melinda

From: [REDACTED]

Sent: 23 September 2021 11:18

To: V43 Victims Al Hassan Team

Cc: Taylor, Melinda; D28 Al Hassan Defence Team; Dutertre, Gilles; Al Hassan Prosecution Team

Subject: RE: Victim Application - [REDACTED]

Dear LRV,

Pursuant to the below, we would like to enquire as to whether any victim application has been submitted on behalf of [REDACTED]

Many thanks in advance for your swift attention to this matter.

Kind regards,

[REDACTED]

Defence for Al Hassan

From: Dutertre, Gilles [REDACTED]

Sent: 23 September 2021 11:10

To: [REDACTED]; Al Hassan Prosecution Team

Cc: Taylor, Melinda; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team

Subject: RE: Victim Application - [REDACTED]

Chère Madame [REDACTED]

Par souci de célérité, je vous invite à vous rapprocher directement des LRVs.

Bien à vous,

Gilles Dutertre

From: [REDACTED]

Sent: jeudi 23 septembre 2021 11:05

To: Dutertre, Gilles <[REDACTED]>; Al Hassan Prosecution Team <[AlHassanProsecutionTeam](#)[REDACTED]>

Cc: Taylor, Melinda <[mtaylor](#)[REDACTED]>; D28 Al Hassan Defence Team <[D28AlHassanDefenceTeam](#)[REDACTED]>; V43 Victims Al Hassan Team <[V43LRVTeam](#)[REDACTED]>

Subject: Victim Application - [REDACTED]

Dear Mr Dutertre, dear Colleagues,

We would be grateful if the Prosecution could please ask the LRV if any victim application has been submitted on behalf of [REDACTED].

Many thanks and kind regards,

[REDACTED]

[REDACTED]

Defence for Al Hassan

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