

ANNEX 14

PUBLIC REDACTED

From: Trial Chamber X Communications
Sent: 09 February 2022 09:50
To: [REDACTED]; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team
Cc: Al Hassan Prosecution Team; Trial Chamber X Communications; Chamber Decisions Communication
Subject: TC X: Single Judge ruling on Defence request for lifting of redactions to exhibit MLI-V43-0001-0010
Importance: High

Dear counsels,

The Single Judge notes the Defence request to lift redactions in exhibit MLI-V43-0001-0010 that relate to: (i) the names of Prosecution witnesses; and/or (ii) victims linked to the Prosecution's charges. The Single Judge considers in relation to the first limb of the request that materiality has been established in relation to lifting redactions to the names of Prosecution witnesses, if any, in the aforementioned exhibit. Noting that the Defence is not generally in possession of the identities of victims linked to the Prosecution's charges who are not dual status witnesses, the Single Judge rejects the second limb of the request.

In light of the impending start of V-0002's testimony, the LRVs are instructed to provide, with the assistance of the Prosecution if necessary, a lesser redacted version of the exhibit by email forthwith, pending formal disclosure, should they still intend to use this exhibit in the examination of V-0002.

Kind regards,

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

From: [REDACTED]
Sent: 08 February 2022 19:54
To: Trial Chamber X Communications [REDACTED]
Cc: Al Hassan Prosecution Team [REDACTED]; D28 Al Hassan Defence Team [REDACTED]; V43 Victims Al Hassan Team [REDACTED]
Subject: Re: Defence request for assistance from Trial Chamber

Dear Trial Chamber X,

Dear Colleagues,

The Defence for Mr Al Hassan respectfully seeks the assistance of the Trial Chamber to review and lift certain specific redactions that have been applied to the LRV exhibit MLI-V43-0001-0010 ("the Exhibit")

The Defence requested the LRV to lift all redactions in the Exhibit that relate to the names of OTP witnesses and/or victims linked to the Prosecution's charges. The Chamber has already found that information pertaining to individuals with dual status, that is as OTP witnesses and victims, must be disclosed to the Parties. This information is in the possession of the LRV and disclosure is necessary to ensure an undistorted presentation of witness V-0002's evidence. Given that identified victims would be participating in the proceedings by virtue of their membership to the associations listed in the in the Exhibit, disclosure therefore falls within the parameters of the *Katanga* Appeals Chamber Judgment ICC-01/04-01/07-2288 (please see paras. 85-86).

The LRV responded (see below) that if this matter were raised before the Chamber, and the Chamber ordered the redactions to be lifted, they would decide to no longer use the Exhibit during V-0002's examination.

For the foregoing reasons, the Defence respectfully submits that this request for review and lifting of redactions should be granted.

Yours sincerely,

██████████ on behalf of the Al Hassan Defence

Chère Collègue,

La demande de la Défense revient purement et simplement à divulguer les noms de plusieurs centaines de victimes participantes et n'est donc pas acceptable pour les Représentants légaux au vu des conditions dans lesquelles ces victimes participantes ont accepté de déposer leur formulaire, de la procédure adoptée devant la Chambre en matière de communication des identités des victimes participantes et des obligations des Représentants légaux envers leurs clients.

Dans l'hypothèse où vous deviez saisir la Chambre et qu'il serait fait droit à votre demande, les Représentants légaux renonceraient à utiliser le document pour l'interrogatoire de V-0002 au vu de la prévalence de leurs obligations de protection à l'égard de leurs clients.

Bien cordialement,

Pour les Représentants légaux des victimes,
██████████

From: ██████████

Sent: 08 February 2022 18:50

To: Trial Chamber X Communications ██████████

Cc: Al Hassan Prosecution Team ██████████ >; D28 Al Hassan Defence Team

██████████ >; V43 Victims Al Hassan Team ██████████

Subject: Defence request for assistance from Trial Chamber

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Dear Colleagues,

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Yours sincerely,

██████████ on behalf of the Al Hassan Defence

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