

ANNEX 16

PUBLIC REDACTED

From: Trial Chamber X Communications
Sent: 31 May 2022 12:03
To: D28 Al Hassan Defence Team; Al Hassan Prosecution Team; V43 Victims Al Hassan Team
Cc: Trial Chamber X Communications; Chamber Decisions Communication
Subject: TC X: Single Judge directives regarding redactions applied to D-0272's prior recorded testimony

Dear Counsels,

Having received and taken cognisance of the below submissions, the Single Judge notes that redaction-related concerns raised by the Prosecution in its response to the Rule 68(3) application with respect to D-0272 (-2231-Conf, paras 15-16) have been resolved and no longer warrant adjudication. The parties are hereby reminded to first attempt to resolve disclosure-related matters *inter partes* and to seize the Chamber only where a disagreement arises.

Kind regards,
 On behalf of the Single Judge of TC X

From: [REDACTED]
Sent: 30 May 2022 16:50
To: Trial Chamber X Communications [REDACTED] Al Hassan Prosecution Team [REDACTED]; V43 Victims Al Hassan Team [REDACTED]
Cc: D28 Al Hassan Defence Team [REDACTED]
Subject: Redactions applied to D-0272's prior recorded testimony

Dear Trial Chamber X,
 Dear colleagues,

In accordance with para. 15 of the Chamber's decision ICC-01/12-01/18-2233 of today, the Defence provides its submissions on the particular redactions applied to D-0272's prior recorded testimony and other Prosecution's queries.

First, the Prosecution notes that:

"The attendance record of the statement lists four persons present during the interview including the witness and an intermediary. The signatures of all four persons are repeated on each of the seven pages of the statement. However, on two pages, the initials of what seems to be a fifth person attending the interview are indicated as [REDACTED].²³ It is unclear who this person is and what his/her role was during the interview." (ICC-01/12-01/18-2231-Conf, para. 15). [REDACTED] are D-0272's initials [REDACTED]. The witness had indeed started to initial his statement, when the Defence told him that it was better to put his signature instead. Therefore he stopped initialling and proceeded to sign each pages.

Concerning the Prosecution's second query:

"The Defence should be required to provide a pseudonym for the intermediary who signed the statement but whose name or identity was redacted under redaction code A.5 (intermediary code).²⁴ This pseudonym is necessary for the Prosecution so that it can assess who are the individuals who attended D-0272's interview and potentially those of other Defence witnesses, and whether there is any potential issue of contamination that must be addressed during the D-0272's cross-examination." (ICC-01/12-01/18-2231-Conf, para. 15).

The Defence proceeded to a metadata update on Friday, and has informed the Prosecution.

Finally, the Prosecution submits that:

"The Defence has also redacted the name of D-0272's mother, but she is said to be [REDACTED]. On this basis, the Prosecution requests that the B.2 code be lifted in relation to the name of D-0272's mother so that the Prosecution can properly investigate [REDACTED]" (ICC-01/12-01/18-2231-Conf, para. 15). The Defence agrees to lift the redaction to the name of the witness's mother. It will therefore provide a lesser redacted version of D-0272's statement.

Kind regards,

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

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