

ANNEX 23

PUBLIC REDACTED

From: Trial Chamber X Communications
Sent: 17 June 2022 15:27
To: Al Hassan Prosecution Team; V43 Victims Al Hassan Team; D28 Al Hassan Defence Team
Cc: Associate Legal Officer-Court Officer; Trial Chamber X Communications; Chamber Decisions Communication
Subject: TC X - Decision on Defence request regarding the questioning of D-0324

Dear Counsels,

The Chamber takes note of the Defence's submissions that [REDACTED] may not be able to question D-0324 and that the Defence requests that, instead, [REDACTED], who was previously granted leave to address the Chamber (email dated 4 May 2022 at 15:28), be authorised to question D-0324.

The Chamber incorporates by reference the applicable law as set out in its previous decisions (*see* emails dated 3 May 2021 at 09:08, 24 February 2021 at 15:16 and 24 September 2020 at 12:39) and reiterates that it is in principle the role of counsels representing the accused to question witnesses in court.

In the present case, the Chamber has taken into account the qualifications of [REDACTED] as outlined below and in the Defence's email of 4 May 2022 at 11:55, the fact that she intends to question the witness in French as well as her previous involvement in interviewing D-0324. The Chamber also notes that three witnesses are currently scheduled to testify next week and accordingly, it may be in the interest of justice and beneficial to the accused's right to legal representation to allow counsel to distribute her work within the Defence team by authorising the present request. Having holistically considered the circumstances, and further noting that [REDACTED] may be barred from questioning D-0324 due to facts the Defence was previously unaware of, the Chamber considers it appropriate to grant the request and authorise [REDACTED] to question D-0324 under the supervision of counsel.

Kind regards,
On behalf of Trial Chamber X

From: Taylor, Melinda <[REDACTED]>
Sent: 17 June 2022 13:08
To: Trial Chamber X Communications [REDACTED]
Cc: Al Hassan Prosecution Team <[REDACTED]>; V43 Victims Al Hassan Team <[REDACTED]>; D28 Al Hassan Defence Team [REDACTED]
Subject: Questioning of D324

Dear Trial Chamber X,

After recently reviewing a particular open-source report [REDACTED] [REDACTED]) the Defence learned of an issue arising under Article 12 of the Code of Conduct. [REDACTED]
[REDACTED]. The Defence is currently endeavouring to obtain informed waivers but given the lack of clarity as concerns who was covered by [REDACTED] - is unsure that it will be able to do so by next Wednesday.

In order to protect the interests of Mr Al Hassan in the interim, the Defence respectfully seeks the authorisation of the Chamber to allow [REDACTED] to question D324.

[REDACTED] is a member of [REDACTED] since 2014. She interviewed D324 during the investigations stage, and as a French speaker, will be in a position to question him in French -which may assist interpretation. [REDACTED] would be questioning D324 under the authority of Counsel.

Kind regards

Melinda Taylor on behalf of the Al Hassan Defence

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