

ANNEX 8

PUBLIC REDACTED

From: Trial Chamber X Communications
Sent: 06 May 2022 13:22
To: Al Hassan Prosecution Team; 'D28 Al Hassan Defence Team'; 'V43 Victims Al Hassan Team'; Associate Legal Officer-Court Officer
Cc: Chamber Decisions Communication; Trial Chamber X Communications
Subject: TC X : Single Judge instructions on the preparation of public versions of email rulings and relevant reclassifications

Dear Counsels,
Dear colleagues,

The Single Judge expresses her appreciation for the respective contributions of the Registry and the parties in the context of preparing public versions of email rulings.

The Single Judge instructs the Registry to proceed and put on the public record of the case redacted versions of the email rulings as proposed by the Registry, implementing any further uncontested redactions suggested by the parties. Unless decided otherwise below, the Single Judge also agrees to all the parties' (joint) proposals for certain email rulings to maintain their current classification, be it confidential or *ex parte*. In this respect, the Single Judge finds it appropriate to specify that most of the *ex parte* email rulings under review that are not made available to the Defence were reactive to instances of 'inadvertent disclosure', i.e. where information ought to have been redacted from material disclosed in accordance with the Redaction Protocol.

Furthermore, and having considered the parties' respective views, the Single Judge decides as follow:

First, the Single Judge directs the Registry to reclassify to 'confidential' the rulings at ICC-01/12-01/18-1660-Conf-Exp-Anx27, ICC-01/12-01/18-1865-Conf-Exp-Anx18, ICC-01/12-01/18-1865-Conf-Exp-Anx20, ICC-01/12-01/18-1865-Conf-Exp-Anx29 and ICC-01/12-01/18-1865-Conf-Exp-Anx45. Rulings at ICC-01/12-01/18-1660-Conf-Exp-Anx46 and ICC-01/12-01/18-1660-Conf-Exp-Anx52 should also be reclassified to 'confidential', as previously decided in an email rulings of 6 July 2021 at 19:52.

Second, the Single Judge considers that rulings at ICC-01/12-01/18-1865-Conf-Anx5, and ICC-01/12-01/18-1865-Conf-Anx6 should maintain their current 'confidential' classification. Similarly, the rulings at ICC-01/12-01/18-1660-Conf-Exp-Anx71, ICC-01/12-01/18-1660-Conf-Exp-Anx76, ICC-01/12-01/18-1865-Conf-Exp-Anx1, ICC-01/12-01/18-1865-Conf-Exp-Anx8, and ICC-01/12-01/18-1865-Conf-Exp-Anx13 should not be made public, but be reclassified to 'confidential'.

Third, the Single Judge considers that, with the redactions contained in the Registry's proposal as well as, where relevant, the parties' proposed additional redactions, the rulings at ICC-01/12-01/18-1865-Conf-Exp-Anx30, ICC-01/12-01/18-1660-Conf-Anx42, ICC-01/12-01/18-1660-Conf-Exp-Anx33, and ICC-01/12-01/18-1660-Conf-Exp-Anx34 can be put on the public record of the case and need not remain confidential. The Prosecution's proposed redactions to the ruling at ICC-01/12-01/18-1865-Conf-Anx37 should be applied when putting it on the public record.

Finally, the Single Judge encourages the Registry to continue its attempts to identify a system other than emails exchanges to increase the efficiency of the present exercise.

Kind regards,
On behalf of the Single Judge of Trial Chamber X