

ANNEX 13

PUBLIC REDACTED

From: Trial Chamber X Communications
Sent: 07 February 2022 15:16
To: V43 Victims Al Hassan Team; Al Hassan Prosecution Team; D28 Al Hassan Defence Team
Cc: Trial Chamber X Communications; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: TC X - Decision on Defence request for lifting of redactions to V-0001's application form

Dear counsels,

Being in the possession of the unredacted victim application of V-0001, the Single Judge has exceptionally reviewed the redaction identified by the Defence.

The Single Judge notes that the identity of the organisation to which the person who assisted V-0001 to complete the application belongs and its role vis-à-vis victims in Mali are matters that have been discussed on a number of occasions throughout the present proceedings. Noting further that the application form constitutes the sole basis of information concerning the testimony of V-0001, the Single Judge is satisfied that materiality has been established.

In the absence of further information related to existing risks which would arise from disclosure of the discrete information to the Defence, the Single Judge finds it appropriate to grant the Defence request. Accordingly, the Single Judge instructs the LRVs to lift the redactions applied to the name of the person and the organisation that assisted V-0001 in filling the form. Given the imminent commencement of V-0001's testimony, the LRVs are instructed to provide a courtesy copy via email forthwith.

Kind regards,

On behalf of the Single Judge of Trial Chamber X

From: Trial Chamber X Communications <[REDACTED]>
Sent: 07 February 2022 11:18
To: V43 Victims Al Hassan Team [REDACTED] Al Hassan Prosecution Team
 [REDACTED] D28 Al Hassan Defence Team [REDACTED]
Cc: Trial Chamber X Communications [REDACTED]
Subject: RE: lifting of reductions

Dear counsels,

Pursuant to Regulation 34 of the Regulations of the Court, the Single Judge decides that any response to the below request should be submitted by 14:00 today.

Kind regards,

on behalf of the Single Judge of Trial Chamber X

From: Taylor, Melinda [REDACTED]
Sent: 07 February 2022 10:33
To: [REDACTED] V43 Victims Al Hassan Team [REDACTED]; Trial Chamber X Communications <[REDACTED]>
Cc: D28 Al Hassan Defence Team [REDACTED]; Trial Chamber X Communications [REDACTED] Al Hassan Prosecution Team [REDACTED]
Subject: Re: lifting of reductions

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 concerning the application forms of V-001 and her son.

During the weekend, the Defence requested the LRV to lift specific redactions to the application form of V-001 concerning the identity of the person or organisation that assisted V-001 to complete the application. Given that this form constitutes the sole basis of information concerning the upcoming testimony of this individual, this information is necessary for the preparation of the Defence, particularly since the victim cannot read or write and does not speak French. This information is also necessary for the Defence to ascertain the basis for V-001's participation in proceedings in Bamako in July 2019, and links to NGOs/lawyers involved in such proceedings. This information is in the possession of the LRV and disclosure is necessary to ensure an undistorted presentation of this individual's evidence. Disclosure therefore falls within the parameters of the Katanga Appeals Chamber judgment (ICC-01/04-01/07-2288 (paras. 85-86)). This morning, the Defence further requested the lifting of redactions at the bottom of the birth certificate of V-001's son, in particular insofar as any redactions might concern the date that the birth certificate was issued.

The LRV responded (below) agreeing to disclose a lesser redacted version of the birth certificate, and proposing that any instruction concerning the disclosure of the identity of the intermediary should emanate from the Trial Chamber.

For this reason, the Defence is submitting the current request for review and lifting of the redactions concerning the intermediary that filled in the application form for V-0001.

Thank you in advance for your assistance.

Kind regards
Melinda Taylor, on behalf of the Al Hassan Defence

From [REDACTED]
Sent: 07 February 2022 10:18
To: Taylor, Melinda [REDACTED] V43 Victims Al Hassan Team [REDACTED]
Cc: D28 Al Hassan Defence Team [REDACTED] Trial Chamber X Communications [REDACTED]
[REDACTED] Al Hassan Prosecution Team [REDACTED]
[REDACTED]
Subject: RE: lifting of reductions

Chère Collègue,

En réponse à vos deux courriels de ce jour :

-Sur la date de délivrance du certificat du fils de V-0001, une version moins expurgée sera enregistrée sur e-court le plus rapidement possible.

-Sur l'identité de l'intermédiaire ayant aidé à remplir le formulaire pour V-0001, nous indiquons qu'il ne s'agit d'aucun des intermédiaires indiqués dans votre courriel et sauf erreur son nom n'est pas apparu dans le cours des dépositions.

Compte tenu des obligations des Représentants légaux, ces derniers souhaitent que les instructions d'une éventuelle divulgation sur ce point viennent de la Juge unique. Nous vous remercions pour votre compréhension.

Nous mettons la Chambre et le Bureau du Procureur directement en copie de notre réponse pour un gain de temps.

Bien cordialement,

De : Taylor, Melinda [REDACTED]
Envoyé : lundi 7 février 2022 09:44
À : V43 Victims Al Hassan Team [REDACTED] >
Cc : D28 Al Hassan Defence Team [REDACTED]
Objet : Re: lifting of reductions

Dear Counsel for Victims,

I would like to add to the request below a request to lift the redactions at the bottom of the birth certificate of the son of V01 - in particular insofar as any redactions might concern the date that the birth certificate was issued.

Kind regards
 Melinda

From: Taylor, Melinda
Sent: 05 February 2022 15:38
To: V43 Victims Al Hassan Team [REDACTED]
Cc: D28 Al Hassan Defence Team [REDACTED]
Subject: lifting of reductions

Dear Counsel for Victims,

The victim application form for a/45345/18 has redacted the information concerning the individual or organisation that assisted the victim to fill out the form.

Given that this form constitutes the sole basis of information concerning the upcoming testimony of this individual, this information is necessary for the preparation of the Defence, particularly since the victim cannot read or write and does not speak French. It is moreover necessary to establish whether the redacted individual has any links to the other individual testifying for the victims ([REDACTED]) or the individuals involved in the Bamako proceedings (for example, [REDACTED]).

This information is in the possession of the LRV and disclosure is necessary to ensure an undistorted presentation of this individual's evidence. Disclosure therefore falls within the parameters of the Katanga Appeals Chamber judgment (ICC-01/04-01/07-2288 (paras. 85-86)). Conversely, given that the

identity and role of certain intermediaries is known to the Defence, it is unnecessary and disproportionate to maintain these redactions.

For these reasons, we would be grateful if you could indicate by Monday 10.30am whether the LRV would be willing to lift these redactions, so that we can seize the Single Judge if necessary.

Thank you for your assistance.

Kind regards



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