

ANNEX 5

PUBLIC REDACTED

From: Trial Chamber X Communications
Sent: 04 May 2022 15:28
To: Al Hassan Prosecution Team; D28 Al Hassan Defence Team; V43 Victims Al Hassan Team
Cc: Associate Legal Officer-Court Officer; Trial Chamber X Communications; Chamber Decisions Communication
Subject: TC X - Decision on Defence request for leave for legal assistants to make submissions in court during its opening statements

Dear counsels,

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).

The Chamber notes the qualifications of the three legal assistants subject to the below request and that, if authorised, the legal assistants would be addressing the Chamber for a short duration under the supervision of counsels representing the accused. Further noting that the present request concerns the opening statements - which is the part of trial where the parties explain their respective cases to the Chamber, the other parties and the public (*see* Decision #867, para. 10) - rather than the eliciting of evidence through the questioning of witnesses, the Chamber is satisfied that granting the request will not unduly prejudice the accused.

Accordingly, the Chamber grants the below request and authorises [REDACTED] to address the Chamber during the opening statements of the Defence.

Kind regards,
Trial Chamber X

From: [REDACTED]
Sent: 04 May 2022 11:55
To: Trial Chamber X Communications [REDACTED]
Cc: Taylor, Melinda [REDACTED]; Dutertre, Gilles [REDACTED]; Al Hassan Prosecution Team <[REDACTED]>; V43 Victims Al Hassan Team [REDACTED]; D28 Al Hassan Defence Team <[REDACTED]>
Subject: Leave for Legal Assistants to make submissions in Court

On behalf of Lead Counsel Melinda Taylor

Dear Trial Chamber X,

The Al Hassan Defence team respectfully requests that [REDACTED] be granted the right to address the Chamber during the opening statements on discrete matters.

This request is supported by the fact that the 3 members of the Defence team are qualified lawyers on the list of Legal Assistant of the ICC with over five years of experience in the field of International Criminal Law as well as in domestic criminal law.

[REDACTED] holds a LLB and a LLM in Law, is a member of [REDACTED] and has 7 and half years of legal experience, including with different Defence teams. He was granted the right to cross-examine Prosecution witness P-0150 in the course of these proceedings and has been part of the Defence team of Mr Al Hassan for over 4 years now.

[REDACTED] is a member of the [REDACTED], holds a LLB and a LLM in Law and has been part of the Defence team of Mr Al Hassan for over 4 years.

[REDACTED] holds a LLB and LLM in Law, is a member of [REDACTED], has practiced criminal law in [REDACTED] and has already addressed the Appeals Chamber of this Court in the context of the Appeal hearings in the *Ntaganda* case in 2020.

In light of their backgrounds, familiarity with the case, knowledge and experience, the Defence believes that they are well fitted for this task. It may also re-assure the Chamber that the preparation of the opening statements is conducted under the supervision and direction of the Lead Counsel, Me Melinda Taylor, and [REDACTED], who will both be attending the hearing. The nature of the opening statements does not require any intervention from the Prosecution or the Judges and thus allows the Lead Counsel to closely review and supervise the content of their interventions. Also, their interventions will be following Lead Counsel's intervention and will be for a duration of about 20-30 minutes.

Kind regards,
The Defence team of Mr Al Hassan

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