



Original : English

N°: ICC-01/12-01/18
Date: 21 October 2021

TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mindua, Presiding Judge
Judge Tomoko Akane
Judge Kimberly Prost

SITUATION IN MALI

IN THE CASE OF
THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD

Public

With Confidential Annexes 3 to 4, 6 to 17, 19 to 21 and 24 to 27
Confidential *EX PARTE* Annex 1 only available to the Prosecution
Confidential *EX PARTE* Annexes 2 and 18 only available to the Prosecution and the Registry
Confidential *EX PARTE* Annex 5 only available to the Defence and the Registry
Confidential *EX PARTE* Annex 22 only available to the Defence
SECRET Annex 23 only available to the Prosecution

Confidential, confidential *EX PARTE* and SECRET versions of Annexes of Registry Quarterly Report on Email Decisions dated March 2020, dated, 2 February 2021, ICC-01/12-01/18-1279

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Unrepresented Victims

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**Victims Participation and Reparations
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Other

I. Introduction

1. Pursuant to the Single Judge' s instructions issued by email on 18 January 2021 to file confidential versions of Trial Chamber X ("Chamber") email decisions and consult in due course the parties and participants with regard to public redacted versions¹, the Registry submits the present report ("Report") and its 27 confidential, confidential *ex parte* and secret annexes consisting of the confidential versions of the email decisions previously filed in the Registry Report on Email Decisions for the period March 2020.²

II. Procedural History

2. On 4 September 2020, the Chamber released its "Third decision on matters related to the conduct of proceedings"³ in which it stated that : "[...] *to expedite decisions on minor procedural matters or in order to react to urgent circumstances, occasional rulings from the Chamber and the Single Judge have been issued by way of email sent to the parties and participants. In order to ensure that the principles of fairness and publicity are respected, the Chamber finds it appropriate to adopt a system whereby these email decisions are systematically put on the record of the case.*"⁴
3. The Chamber further directed the Registry to file all email decisions on the case record in quarterly reports starting on 1 October 2020.⁵
4. On 1 October 2020, the Chamber provided to the Registry the backlog of email decisions dated November 2019 until September 2020 included.⁶

¹ Trial Chamber X Decision by email to the Registry CMS, dated 18 January 2021, 10:22.

² [Registry Quarterly Report on Email Decisions dated March 2020](#), ICC-01/12-01/18-1279, 2 February 2021

³ Trial Chamber X, [Third decision on matters related to the conduct of proceedings](#), ICC-01/12-01/18-1040, 4 September 2020.

⁴ *Ibid.*, para. 3.

⁵ *Ibid.*, para. 4.

5. On 18 January 2021, the Chamber further instructed the Registry to file with the quarterly reports the email decisions without redactions and consult in due course the parties and participants with regard to public redacted versions.⁷
6. On 20 January 2021⁸, the Single Judge granted the Prosecution's request to maintain the classification of annex 23 and instructed the Registry to file it as secret noting in particular *"that the email decision related to decisions and other related material on the record with a 'secret' level of confidentiality"*.⁹
7. On 2 February 2021, the Registry filed the public redacted version of the Registry Report on Email Decisions for the period March 2020.¹⁰

III. Level of classification

8. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the annexes are classified as "confidential", "confidential *ex parte*" and "secret" because they refer to sensitive information that should not be disclosed to the public.

IV. Applicable law

9. For the purpose of the present submission, the Registry considered articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

⁶ Fifteen emails sent by Trial Chamber X Communications to the Registry, dated 1 October 2020 containing all decisions by month.

⁷ Trial Chamber X Decision by email to the Registry, see *supra* note 1.

⁸ Single Judge's decision by email dated 20 January 2021, 11:44.

⁹ *Ibid.*

¹⁰ [Registry Quarterly Report on Email Decisions dated March 2020](#), see *supra* note 2.

V. Submissions

10. The Registry therefore hereby attaches annexes 1 to 27 to the Report, containing the confidential, confidential *ex parte* and secret versions of the Chamber's email decisions as well as the relevant email submissions of the parties for the month of March 2020:

- **Annex 1:** Inadvertent disclosure, 03 March 2020 09:39;
- **Annex 2:** TC X - Instruction for VWU to provide complementary observations to Prosecution request ICC-01/12-01/18-638-Conf-Exp relating to Witness P-0114, 06 March 2020 17:40;
- **Annex 3:** TC X - Shortening of deadline for responses to Prosecution Request 627-Conf-Red, 06 March 2020 17:29;
- **Annex 4:** TC X - Shortening of deadline for responses to Prosecution Request 628-Conf-Red, 09 March 2020 09:37;
- **Annex 5:** TC X - Reclassification of ICC-01/12-01/18-599-Conf-Exp, 10 March 2020 17:11;
- **Annex 6:** TC X - Decision on interim measure sought in relation to P-0121 in Prosecution request 645-Conf-Exp and related reclassification, dated 10 March 2020, 16:22;
- **Annex 7:** Déport d'un rapport sur la disclosure, 10 March 2020, 14:42;
- **Annex 8:** TC X - Reclassification of decisions on the case record (2), dated 12 March 2020, 16:39;

- **Annex 9:** TC X - Reclassification of decisions on the case record, dated 12 March 2020, 16:33;
- **Annex 10:** TC X - Instruction for VWU to provide complementary observations to Prosecution request ICC-01/12-01/18-646-Conf-Exp, dated 13 March 2020, 15:59;
- **Annex 11:** TC X - Existing deadlines, dated 16 March 2020, 12:22;
- **Annex 12:** TC X - Shortening of deadline for LRVs' response to ICC-01/12-01/18-647-Conf-Exp, dated 16 March 2020, 12:51;
- **Annex 13:** TC X - Instruction for VWU to provide complementary observations to Prosecution request ICC-01/12-01/18-647-Conf-Exp, dated 16 March 2020, 12:52;
- **Annex 14:** TC X - Decision on Registry proposal for the suspension of judicial deadlines (17-27 March 2020), dated 17 March 2020, 11:04;
- **Annex 15:** TC X - Shortening deadline for responses to OTP Request 665-Conf, dated 17 March 2020, 12:54;
- **Annex 16:** Al Hassan: Deadlines set for ongoing review of ex parte material, dated 18 March 2020, 14:04;
- **Annex 17:** TC X - Shortening deadline for responses to OTP Request 665-Conf, dated 19 March 2020, 10:46;
- **Annex 18:** TC X - Instruction for the Prosecution and VWU to provide complementary information in relation to Prosecution request ICC-01/12-01/18-646-Conf-Exp, dated 23 March 2020, 16:12;

- **Annex 19:** TC X - Shortening of deadline for responses to ICC-01/12-01/18-680-Conf-Red, dated 23 March 2020, 19:18;
- **Annex 20:** Inadvertent disclosure, dated 24 March 2020, 13:50;
- **Annex 21:** Decision on the reclassification of documents sought by the Defence on 18 March, dated 25 March 2020, 12:24;
- **Annex 22:** Notice on reclassification of decisions, 25 March 2020, 12:49;
- **Annex 23 :** SECRET;
- **Annex 24:** Decision on the reclassification of ICC-01/12-01/18-375-Conf-Exp, dated 30 March 2020, 10:32;
- **Annex 25:** TC X - Decision on OTP request to be authorised to file two responses due today after 4 pm, dated 30 March 2020, 12:30;
- **Annex 26:** TC X - Order seeking reclassification and Registry observations on LRVs request ICC-01/12-01/18-700-Conf-Exp, dated 31 March 2020, 13:38; and,
- **Annex 27:** TC X - Order seeking reclassification and Registry observations on LRVs request ICC-01/12-01/18-700-Conf-Exp, dated 31 March 2020, 16:44.

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Marc Dubuisson,
Director Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 21 October 2021

At The Hague, The Netherlands