



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 1 to 3, 6, 8, 11, 13 to 14 and 16 to 17

Confidential *EX PARTE* Annexes 4 to 5, 10 only available to the Prosecution

Confidential *EX PARTE* Annexes 7 and 15 only available to the Defence

**Confidential *EX PARTE* Annex 9 only available to the Prosecution and the
Defence**

Confidential *EX PARTE* Annex 12 only available to the Defence and the Registry

**Confidential and confidential *EX PARTE* versions of Annexes of Registry
Quarterly Report on Email Decisions dated May 2020, dated 1 February 2021, ICC-
01/12-01/18-1278**

Source: Registry

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

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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Mr Nigel Verrill

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Mr Harry Tjonk

**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 17 confidential and confidential *ex parte* annexes consisting of the confidential versions of the email decisions previously filed in the Registry Report on Email Decisions for the period May 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 May 2020](#), ICC-01/12-01/18-1278, 1 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 1 February 2021, the Registry filed the public redacted version of the Registry Quarterly Report on Email Decisions dated May 2020.⁸

III. Level of classification

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

IV. Applicable law

8. 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.

V. Submissions

9. The Registry therefore hereby attaches annexes 1 to 17 to the Report, containing the confidential and confidential *ex parte* versions of the Chamber’s email decisions as well as the relevant email submissions of the parties for the month of May 2020:

- **Annex 1:** TC X - Shortening deadline for responses to OTP Request 780-Conf-Red, dated 04 May 2020, 09:15;

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

- **Annex 2:** TC X - Reclassification of decision ICC-01/12-01/18-770-Conf, dated 06 May 2020, 12:56;
- **Annex 3:** TC X - Extension of deadline for Defence submissions due today, dated 07 May 2020, 13:09;
- **Annex 4:** Inadvertent disclosure, dated 08 May 2020, 10:25;
- **Annex 5:** Inadvertent disclosure, dated 11 May 2020, 08:20;
- **Annex 6:** Demande de déposer après 4 heures, dated 12 May 2020, 10:16;
- **Annex 7:** The Prosecutor v. Al Hassan: ICC-01/12-01/18-804 - Defence request for leave to appeal Trial Chamber X's "Decision on the conduct of proceedings" (ICC-01/12-01/18-789), dated 12 May 2020, 17:58;
- **Annex 8:** TC X - Reclassification of confidential decisions, dated 13 May 2020, 15:33;
- **Annex 9:** The Prosecutor v. Al Hassan: ICC-01/12-01/18-804 - Defence request for leave to appeal Trial Chamber X's "Decision on the conduct of proceedings" (ICC-01/12-01/18-789), dated 13 May 2020, 17:48;
- **Annex 10:** Request to remove Legal Representatives' access from two documents in eCourt (Metadata Update 13), dated 14 May 2020, 08:32;
- **Annex 11:** Trial Brief , dated 18 May 2020, 16:05;
- **Annex 12:** Decision confidential EX PARTE only available to the Defence, dated 20 May 2020, 13:36;
- **Annex 13:** Request to file after 4 pm, dated 20 May 2020, 15:48;
- **Annex 14:** Courtesy copy of "Defence request for extension of time and page limit" - shortening of deadline for responses, dated 27 May 2020, 12:14;
- **Annex 15:** TC X - virtual ex parte session Al Hassan Defence and DJSS – agenda, dated 28 May 2020, 09:29;
- **Annex 16:** Evidence relevant to rule 68(3) applications, 28 May 2020, 13:38; and,

- **Annex 17:** The Prosecutor v. Al Hassan: ICC-01/12-01/18-829-Conf+Conf-Exp-AnxA – Urgent Defence request for disclosure, dated 28 May 2020, 16:24.

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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