



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 4, 6, 8 to 9, 11 to 13, 15 to 18 and 21

Confidential *EX PARTE* Annex 5 only available to the Registry

Confidential *EX PARTE* Annexes 7, 14 and 20 only available to the Defence and the Registry

Confidential *EX PARTE* Annexes 10 and 19 only available to the Prosecution and the Defence

**Confidential and confidential *EX PARTE* versions of Annexes of Registry
Quarterly Report on Email Decisions dated June 2020, dated 4 February 2021, ICC-
01/12-01/18-1285**

Source: Registry

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
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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 21 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 June 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 June 2020](#), ICC-01/12-01/18-1285, 4 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 4 February 2021, the Registry filed the public redacted version of the Registry Quarterly Report on Email Decisions dated June 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 21 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 June 2020:

- **Annex 1:** rule 68(3) filings and expert qualification: demande de déposer certains mémoires apres 4 heures, dated 01 June 2020, 08:37 ;

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 June 2020](#), see *supra* note 2.

- **Annex 2:** TC X - Reclassification of decision ICC-01/12-01/18-833-Conf, dated 02 June 2020, 11:19;
- **Annex 3:** Prosecution's urgent request for an extension of the page limit for regulation 55(2) application - shortening of deadline for responses, dated 08 June 2020, 12:02;
- **Annex 4:** Defence request for extension of deadline (filing 866-Conf), dated 08 June 2020, 13:46;
- **Annex 5:** Request for guidance, dated 09 June 2020, 17:05;
- **Annex 6:** TC X - Instruction on the provision of a Registry report in response to Defence observations 870, dated 11 June 2020, 11:30;
- **Annex 7:** Confidential EX PARTE Decision only available to the Defence and the Registry, dated 12 June 2020, 17:18;
- **Annex 8:** Defence observations on the form of the charges, dated 12 June 2020, 16:06;
- **Annex 9:** Request to file after 4 pm [termination request], dated 16 June 2020, 12:48;
- **Annex 10:** Demande de Clarification, dated 17 June 2020, 11:19;
- **Annex 11:** Request to file after 4 pm, dated 19 June 2020, 15:57;
- **Annex 12:** Request to file after 4 pm [Response to the Prosecution's Rule 68 requests and witnesses requests], dated 22 June 2020, 13:40;

- **Annex 13:** Request for an extension of the page limit [Response to the Prosecution expert witnesses requests], dated 22 June 2020, 16:55;
 - **Annex 14 :** Confidential EX PARTE Decision only available to the Defence and the Registry, dated 23 June 2020, 14:27;
 - **Annex 15:** Decision on Defence Request for Leave to Reply of 24 June 2020, dated 24 June 2020, 18:25;
- Annex 16:** Order re-classifying ICC-01/12-01/18-905-Conf-Exp and ICC-01/12-01/18-899-Conf-Exp, dated 26 June 2020, 09:45;
- **Annex 17:** Courtesy copy of "Prosecution's urgent request to strike Conf. Annex B to the Defence Request to terminate the proceedings, and request for extensions of the page and time limits to respond to the Defence Request", dated 26 June 2020, 10:31;
 - **Annex 18:** TC X - Shortening of deadline for responses to ICC-01/12-01/18-889-Conf, dated 26 June 2020, 11:53;
 - **Annex 19:** Decision granting urgent request for reclassification of ICC-01/12-01/18-885-Corr-Red, dated 29 June 2020, 14:11;
 - **Annex 20:** Confidential EX PARTE Decision only available to the Defence and the Registry, dated 29 June 2020, 14:34; and

- **Annex 21:** TC X - Shortening of deadline for responses to ICC-01/12-01/18-912-Conf-Exp, dated 30 June 2020, 13:33.

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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