

Pursuant to Trial Chamber X's instruction dated 16 November 2023, this document is reclassified as Public.

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

**No. ICC-01/12-01/18
Date: 16 November 2021**

TRIAL CHAMBER X

Before: Judge Kimberly Prost, Single Judge

SITUATION IN THE REPUBLIC OF MALI

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

Confidential

Decision on Prosecution request relating to pending summonses

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To be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Karim A. A. Khan
James Stewart

Counsel for the Defence

Melinda Taylor

Legal Representatives of Victims

Seydou Doumbia
Mayombo Kassongo
Fidel Luvengika Nsita

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Government of the Republic of Mali

Judge Kimberly Prost, acting as Single Judge of Trial Chamber X ('Single Judge' and 'Chamber', respectively) of the International Criminal Court, in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, having regard to Articles 64(6)(b) and 87 of the Rome Statute and Regulation 23*bis* of the Regulations of the Court, issues the following 'Decision on Prosecution request relating to pending summonses'.

1. On 26 October 2020, in response to a request by the Office of the Prosecutor (the 'Prosecution'),¹ the Single Judge issued summonses with respect to P-0582, P-0605, P-0634 and P-0647.²
2. On 12 November 2021, the Prosecution filed a request seeking reclassification of filings related to the aforementioned summonses as well as the withdrawal of summonses issued with respect to P-0634 and P-0647 (the 'Request').³
3. Having given due regard to the reasons for the classification originally given and noting that the Prosecution no longer intends to call P-0634 and P-0647 as witnesses⁴ and that it intends to file requests pursuant to Rule 68(2)(c) of the Rules of Procedure and Evidence with respect to P-0582 and P-0605,⁵ the Single Judge considers it appropriate to grant the Request in full.
4. The Single Judge also considers that the basis for maintaining the given classification of ICC-01/12-01/18-1117-Secret-Exp-AnxA, ICC-01/12-01/18-1653-SECRET-Exp, ICC-01/12-01/18-1654-SECRET-Exp, ICC-01/12-01/18-1655-SECRET-Exp and ICC-01/12-01/18-1656-SECRET-Exp has ceased to

¹ Prosecution Urgent Request under Articles 64(6)(b) and 93 of the Rome Statute to Summon Witnesses, 19 October 2020, ICC-01/12-01/18-1117-Conf-Exp (with one secret ex parte annex and four confidential ex parte annexes).

² Corrigendum of 'Decision on the Prosecution's urgent request to summon witnesses', ICC-01/12-01/18-1130-Conf-Exp-Corr (corrigendum filed on 27 October 2020 with one confidential ex parte annex.)

³ Prosecution request to withdraw the summonses issued against MLI-OTP-P-0647 and MLI-OTP-P-0634 and to reclassify related documents, ICC-01/12-01/18-1920-Conf-Exp.

⁴ Updated Prosecution Remaining Witnesses' List, 3 November 2021, ICC-01/12-01/18-1878-Conf, para. 9; Email from the Prosecution dated 13 October 2021 at 17:53.

⁵ Annex A to the Updated Prosecution Remaining Witnesses' List, 3 November 2021, ICC-01/12-01/18-1878-Conf-AnxA, p. 3.

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exist and accordingly orders their reclassification in accordance with the operative part of the present decision.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Request;

WITHDRAWS the summonses issued with respect to P-0634 and P-0647 and **INSTRUCTS** the Registry to inform the competent authorities of the Republic of Mali of the present decision;

INSTRUCTS the Registry to reclassify ICC-01/12-01/18-1117-Conf-Exp and annexes A to E thereto, ICC-01/12-01/18-1130-Conf-Exp-Corr and annex thereto and ICC-01/12-01/18-1920-Conf-Exp as confidential; and

INSTRUCTS the Registry to seek reclassification or file confidential redacted versions of ICC-01/12-01/18-1657-Conf-Exp, ICC-01/12-01/18-1828-Conf-Exp and annexes I to III thereto, ICC-01/12-01/18-1653-SECRET-Exp, ICC-01/12-01/18-1654-SECRET-Exp, ICC-01/12-01/18-1655-SECRET-Exp and ICC-01/12-01/18-1656-SECRET-Exp by Thursday 25 November 2021.

Done in both English and French, the English version being authoritative.



Judge Kimberly Prost
Single Judge

Dated this Tuesday, 16 November 2021

At The Hague, The Netherlands