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No.: ICC-01/12-01/18
Date: 19 December 2018

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Single Judge

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

Public

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

Registry's Second Report on the use of Collective Application Forms

Source: Registry

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

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I. Introduction

1. The Registry submits the present additional report on the use of a collective victim application form in the case of the *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* ("Case"), following the Decision on the Registry's Reports concerning Victim Participation, issued on 11 September 2018 by the Single Judge of Pre-Trial Chamber I ("Second Decision" and "Single Judge", respectively).¹

II. Procedural History

2. On 4 April 2018, the first appearance hearing of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud was held, during which the date for the commencement of the confirmation of charges hearing was set for 24 September 2018.²
3. On 24 May 2018, the Single Judge issued his Decision Establishing the Principles Governing Victims' Applications for Participation ("First Decision") in the Case.³ In the First Decision, the Single Judge instructed the Victims Participation and Reparations Section ("VPRS") to file a report, following consultations with victims as appropriate, on the use of collective application forms that specifically addresses the following points:

-) The victims' willingness to form groups and choose and authorise a person to represent them in a collective application;
-) The benefit, if any, of introducing a collective application system in the Case for a large number of families and/or associations;

¹ Pre-Trial Chamber I, Decision on the Registry's Reports concerning Victim Participation, 11 September 2018 (public redacted version), ICC-01/12-01/18-119-RedtENG, at para. 31 and page 11.

² Transcript of the first appearance hearing, 4 April 2018, ICC-01/12-01/18-T-1-Red-ENG, page 10, lines 18-19.

³ Pre-Trial Chamber I, Decision Establishing the Principles Applicable to Victims' Applications for Participation, 24 May 2018, ICC-01/12-01/18-37tENG.

-) Whether such a system could really facilitate the participation of a large number of victims; and
 -) If so, the most suitable approach for putting such a system in place, including the practical consequences on the reparations phase, with due consideration for the Court's previous decisions and the willingness to submit, at this early stage of the proceedings, a form containing a dedicated reparations section.⁴
- 4. On 20 July 2018, the Chamber decided to postpone the commencement of the hearing on the confirmation of charges in the case to 6 May 2019.⁵
- 5. On 27 July 2018, the Registry submitted its Joint Report on Outreach and Other Victim Related Issues, providing the information available to the VPRS at the time on the use of a collective form and requesting additional time for further submissions ("First Report").⁶
- 6. On 11 September 2018, the Single Judge issued the Second Decision, providing the Registry with further guidance on the information sought and ordering the Registry to file an additional report by 19 December 2018.⁷

III. Classification

- 7. In accordance with regulation 23 *bis*(1) of the Regulations of the Court ("RoC") and pursuant to article 68(1) of the Rome Statute ("Statute"), the Annex to the present submission is classified as confidential *ex parte* only available to the Registry because it contains sensitive information on the Registry's internal operations, information pertaining to victims' safety and

⁴ *Id.*, at para. 36 and pages 28-29.

⁵ Pre-Trial Chamber I, Decision Postponing the Date of the Confirmation Hearing, 20 July 2018, ICC-01/12-01/18-94-Red-tENG.

⁶ Registry's Joint Report on Outreach and Other Victim Related Issues, 27 July 2018, ICC-01/12-01/18-102, and its public redacted version of Annex to the Registry's Joint Report on Outreach and Other Victim Related Issues, - para. 39-40.

⁷ Pre-Trial Chamber I, Decision on the Registry's Reports concerning Victim Participation, 11 September 2018 (public redacted version), ICC-01/12-01/18-119-RedtENG, at para. 31 and page 11.

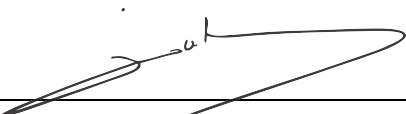
security and identifying information on the Registry's intermediaries. The Registry stands ready to prepare a public redacted version of the Annex if the Single Judge considers this appropriate.

IV. Applicable Law

8. The present report is made on the basis of article 68(1) and (3) of the Statute, rules 85, 89 and 94 of the Rules of Procedure and Evidence, regulations 86 and 88 of the RoC, regulations 104 and 105 of the Regulations of the Registry.

V. Submissions

9. In accordance with the Second Decision, the Registry hereby transmits its report on the use of collective application forms in the Case as an Annex to the present submission.



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

Dated this 19 December 2018

At The Hague, The Netherlands