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No.: ICC-01/12-01/18

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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 Annex**

**Registry's Fifth Assessment Report on Victims' Applications for Participation in
Pre-Trial Proceedings**

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. In paragraph 59 of the Decision Establishing the Principles Applicable to Victims' Applications for Participation ("First Decision")¹, the Single Judge of Pre-Trial Chamber I established an admission system whereby the Registry should *inter alia* "classif[y] the applicants into three categories: (a) applicants who clearly qualify as victims ("Group A"); (b) applicants who clearly do not qualify as victims ("Group B"); and (c) applicants for whom the Registry could not make a clear determination for any reason ("Group C")."²
2. Additionally, the Single Judge ordered the Registry to prepare "regular reports that list the applications for participation and classify them according to the three groups"³ and "assessment reports for the attention of the Chamber and the parties, highlighting the difficulties encountered regarding Group C applications."⁴
3. The Registry hereby transmits its fifth report, containing 163 complete applications received in the case of the *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* ("Case"). The report includes a brief description of the assessment criteria applied in relation to the 163 applicants who, in the Registry's assessment, qualify as victims in Group A.
4. The applications falling in Group A have been listed and classified in the Annex to the present submission and separately transmitted to the Chamber in accordance with paragraph 59(ii) of the First Decision.

¹ Pre-Trial Chamber I, "Decision Establishing the Principles Applicable to Victims' Applications for Participation", 24 May 2018, ICC-01/12-01/18-37-tENG.

² *Id.* at para. 59(i).

³ First Decision, para. 59(iii).

⁴ First Decision, para. 59(v).

II. Procedural History

5. On 27 March 2018, Pre-Trial Chamber I (“Chamber”) issued the Warrant of Arrest for Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (“Arrest Warrant”).⁵
6. On 4 April 2018, Mr Al Hassan had his initial appearance before the Chamber.
7. On 24 May 2018, the Single Judge issued the First Decision setting out *inter alia* the admission procedure for victim participation in the Case.⁶
8. 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 2019.⁷
9. On 17 September 2018, the Victims Participation and Reparations Section (“VPRS”) submitted the first assessment report which included 20 applications categorized as Group A and 14 applications categorized as Group C.⁸
10. On 8 October 2018, the Single Judge issued the “Deuxième décision relative aux principes applicables aux demandes de participation des victimes”⁹ (“Second Decision”) providing guidance to the VPRS on issues arising from certain applications falling under Group C.¹⁰
11. On 6 November 2018, the VPRS submitted the second assessment report which included 74 applications categorized as Group A.¹¹

⁵ Pre-Trial Chamber I, “Warrant of Arrest for Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 27 March 2018, ICC-01/12-01/18-2-tEng.

⁶ See *supra*, footnote 1.

⁷ Pre-Trial Chamber I, “Décision portant report de la date de d’audience de confirmation des charges”, 20 July 2018, ICC-01/12-01/18-94-Red.

⁸ Registry, “Registry’s First Assessment Report on Applications for Victims’ Participation in Pre-Trial Proceedings”, 17 September 2018, ICC-01/12-01/18-126.

⁹ Pre-Trial Chamber I, “Deuxième décision relative aux principes applicables aux demandes de participation des victimes”, 8 October 2018, ICC-01/12-01/18-146.

¹⁰ As per paragraph 59(i) of the First Decision, Group C consists of “applicants for whom the Registry could not make a clear determination for any reason”. The Registry raised three issues arising from Group C applications in its first assessment report filed on 17 September 2018 (ICC-01/12-01/18-126).

¹¹ Registry, “Registry’s Second Assessment Report on Applications for Victims’ Participation in Pre-Trial Proceedings”, 7 November 2018, ICC-01/12-01/18-176.

12. On 25 January 2019, the VPRS submitted the third assessment report which included 83 applications categorized as Group A and 15 applications categorized as Group C.¹²
13. On 12 February 2019, the VPRS submitted the fourth assessment report which included 80 applications categorized as Group A.¹³

III. Applicable Law

14. The present report is submitted pursuant to article 68(1) and (3) of the Rome Statute, rules 85 to 89 and 92 of the Rules of Procedure and Evidence, regulation 86 of the Regulations of the Court ("RoC"), and regulations 107 to 109 of the Regulations of the Registry.

IV. Submissions

Details on Assessment Criteria and List of Applications Falling within Group A

15. Applying the criteria set out in paragraph 46 of the First Decision, the VPRS has assessed each of the 163 applications transmitted under Group A as complete. In conducting its *prima facie* assessment in accordance with paragraph 48 of the First Decision, the VPRS confirms that each of the 163 applicants whose applications have been transmitted in Group A have met the following criteria:

- i. His or her identity as a natural person is established;
- ii. He or she has suffered harm;
- iii. The harm suffered is a result of an incident falling within the temporal, geographic and material scope of the *Al Hassan* case.

¹² Registry, "Registry's Third Assessment Report on Victims' Applications for Participation in Pre-Trial Proceedings", 25 January 2019, ICC-01/12-01/18-226.

¹³ Registry, "Registry's Fourth Assessment Report on Victims' Applications for Participation in Pre-Trial Proceedings", 12 February 2019, ICC-01/12-01/18-245.

16. In relation to point (i), the VPRS noted that certain applications¹⁴ falling under Group A contain minor discrepancies pertaining to *inter alia* the spelling of the applicants' names.¹⁵ In these cases, the VPRS took note of the Single Judge's instruction that "a certain degree of flexibility must be shown"¹⁶ and considers that the discrepancies presented in these applications "do not call into question the overall credibility of the information provided by the applicant [...]"¹⁷

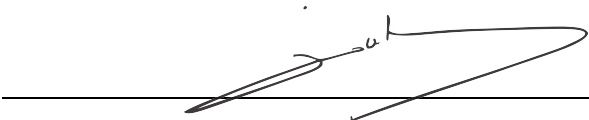
¹⁴ The applications with minor discrepancies include: a/45149/18; a/45150/18; a/45367/18; a/45433/18; a/45470/18; a/45512/18; a/45516/18; a/45520/18; a/45523/18; a/45525/18; a/45527/18; a/45533/18; a/45536/18; a/45537/18; a/45538/18; a/45541/18; a/45562/18; a/45563/18; a/45584/18; a/45590/18; a/45594/18; a/45595/18; a/45596/18; a/45597/18; a/45598/18; a/45600/18; a/45602/18; a/45603/18; a/45604/18; a/45606/18; a/45608/18; a/45614/18; a/45616/18; a/45617/18; a/45618/18; a/45619/18; a/45620/18; a/20000/19; a/20001/19; a/20003/19; a/20005/19; a/20007/19; a/20012/19; a/20013/19; a/20014/19; a/20016/19; a/20018/19; a/20026/19; a/20028/19; a/20029/19; a/20032/19; a/20036/19; a/20037/19; a/20038/19; a/20039/19; a/20043/19; a/20046/19; a/20047/19; a/20050/19; a/20056/19; a/20059/19; a/20065/19; a/20066/19; a/20067/19; a/20068/19; a/20070/19; a/20072/19; a/20076/19; a/20080/19; a/20084/19; a/20091/19; a/20092/19; a/20096/19; a/20097/19; a/20098/19; a/20099/19; a/20100/19; a/20104/19; a/20105/19; a/20106/19.

¹⁵ The discrepancies identified include: a spelling mistake in the applicant's first name and/or surname in the application form compared to the identification document; a mix up mistake in the applicant's first name and/or surname in the application form compared to the identification document; the applicants' faces are obscured on the ID card due to the poor picture quality; the applicants' first name and surname are in the reverse order in the application form; the applicant's date of birth does not appear in the application form; the date of birth written on the form differs slightly from that on the applicant's state identity card; the applicant's gender is either missing in the application form or differs from that on the applicant's state identity card (which must be due to an inadvertent error as the gender is clearly established in the context of the form and in the identity card); the applicant signed the section set aside for the PAB's signature instead of the section dedicated to the applicant's signature; The date of signature differs slightly from the date in which the application was actually filled by the applicant.

¹⁶ First Decision, para. 50.

¹⁷ *Ibid.*

17. The VPRS will continue to assess all applications in its possession according to the criteria established by the Single Judge and will transmit all complete applications on a rolling basis in accordance with the deadlines set out in the First Decision.



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

Dated this 15 March 2019

At The Hague, The Netherlands