



Original: English

No. ICC-01/12-01/18

Date: 10 December 2019

TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Kimberly Prost

SITUATION IN THE REPUBLIC OF MALI

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

Public

Order Setting the Agenda for the First Status Conference

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart

Counsel for the Defence

Melinda Taylor
Marie-Hélène Proulx

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

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

TRIAL CHAMBER X (‘Chamber’) of the International Criminal Court (‘Court’), in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, having regard to Article 64(3) of the Rome Statute (‘Statute’) and Rule 132(1) of the Rules of Procedure and Evidence (‘Rules’), issues this ‘Order Setting the Agenda for the First Status Conference.’

1. On 26 November 2019, the Chamber issued its ‘Order scheduling First Status Conference’ and scheduled a status conference for 12 December 2019.¹ The Chamber also requested the parties, participants and the Registry to make written submissions on some or all of the potential agenda items listed in the scheduling order. In addition, it requested them to indicate whether they wished to add further items to the list and whether parts of the status conference should be held *ex parte*. The written submissions were filed on 6 December 2019.²
2. The Chamber takes note of the written submissions of the parties, participants and the Registry. In view of these submissions, the Chamber will not require oral submissions on several of the items listed in its scheduling order.³ The Chamber also notes that a number of other issues were raised in the written submissions. The Chamber will add some of these issues to the agenda of the status conference.

¹ Order Scheduling First Status Conference, ICC-01/12-01/18-507.

² Observations des Représentants légaux suite à l’« Order Scheduling First Status Conference » (ICC-01/12-01/18-507), ICC-01/12-01/18-516; Registry Submissions in View of the 12 December 2019 Status Conference, ICC-01/12-01/18-517 (with a confidential *ex parte* Annex available to the Prosecution only); Observations de l’Accusation suite à l’Ordonnance de la Chambre de Première Instance X relative à la conférence de mise en état du 12 décembre 2019, ICC-01/12-01/18-518-Conf-Exp (confidential *ex parte*, available to the Prosecution and Victims and Witnesses Unit only; a confidential *ex parte* redacted version also available to the Defence and a public redacted version were each filed on 9 December 2019, respectively ICC-01/12-01/18-518-Conf-Exp-Red2 and ICC-01/12-01/18-518-Red); Submissions pursuant to ‘Order Scheduling First Status Conference’, ICC-01/12-01/18-519-Conf-Exp (confidential *ex parte*, available to the Prosecution and Defence only; with confidential *ex parte* Annexes A to D, available to the Defence only, and confidential *ex parte* Annex E, available to the Prosecution and Defence only; a public redacted version of the main filing was filed on the same day, ICC-01/12-01/18-519-Red).

³ In this regard, the Chamber will also set deadlines in due course for further written submissions from the parties and participants and Registry on, *inter alia*, the following issues: (1) the conduct of proceedings, including the procedure for the admission/submission of evidence, the use of bar table motions, the use of video link; (2) proposals for adoption of a Familiarisation Protocol, a Vulnerability Protocol and a Mechanism for exchange of information on individuals enjoying dual status; and (3) the procedure for victim participation.

3. The Chamber therefore issues the following agenda for the status conference:
 - A. Ongoing disclosure obligations and whether the Prosecution's investigations are still ongoing.
 - B. Transcription and translation issues associated with the disclosure of evidence.
 - C. Redactions protocol.
 - D. Protective measures of witnesses, including (delayed) disclosure of Prosecution witnesses' identities.
 - E. Commencement date of the trial.
 - F. Provision of a pre-trial brief and other matters related to the charges.
 - G. Provision of an updated list of witnesses from the Prosecution.
 - H. Use of expert witnesses and of Rule 68 of the Rules.
 - I. Agreed facts under Rule 69 of the Rules.
 - J. Languages at trial.
 - K. Protocol on the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant.
 - L. E-Court protocol.
 - M. Assignment of an alternative judge.
 - N. Filings during judicial recess.
4. Having regard to the number of issues to be discussed at the status conference, the Chamber will hold the conference according to the following schedule:
 - 9:30 – 11:00 – public session,
 - 11:30 – 13:00 – public session.

5. In order to avoid disclosure of sensitive information regarding witness protection and security issues, and as requested by the Prosecution,⁴ an *ex parte* session, with the Prosecution and the Victims and Witnesses Unit only, will be held between 15:00 and 16:00.

THE CHAMBER HEREBY

SETS the agenda for the status conference of 12 December 2019, as provided in paragraphs 3 and 5.

DIRECTS the Prosecution to file a confidential redacted version of ICC-01/12-01/18-515-Conf-Exp by Wednesday 11 December.

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



Judge Antoine Kesia-Mbe Mindua
Presiding Judge



Judge Tomoko Akane



Judge Kimberly Prost

Dated this Tuesday, 10 December 2019

At The Hague, The Netherlands

⁴ Prosecution's request for an *ex parte* status conference on witness protection and security issues, 5 December 2019, ICC-01/12-01/18-515-Conf-Exp.