

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **18 March 2020**

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***

Public

Request for reclassification of ICC-01/12-01/18-360-Conf-Exp

Source: Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

Document 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 the Victims

Seydou Doumbia

Mayombo Kassongo

Fidel Luvengika Nsita

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**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

Background

1. On 31 May 2019, the Defence for Mr. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (the Defence) submitted its “Urgent request to vary a deadline for filing an application concerning Mr. Al Hassan’s arrest, detention and interrogation in Mali” (The Request).¹
2. On 18 February 2020, during the status conference, the Single Judge of Trial Chamber X instructed the Registry to file in the record of the case, by 26 February, a list of *ex parte* filings for which no version is available to the Prosecution and/or Defence. The Single Judge also instructed the parties to review their filings, by 18 March 2020 at the latest, with a view to providing redacted versions to the other party or requesting reclassification.
3. On 02 March 2020, the Registry filed the “Transmission of the List of *ex parte* Filings filed in the Record of the Case”.²
4. On 03 March 2020, the Registry filed a “Corrected version of the Annex to the Transmission of the list of Ex Parte filings filed in the Record of the Case”.³
5. On 06 March 2020, the Registry filed its “Addendum to ICC-01/12-01/18-621-Conf-Anx-Corr”.⁴
6. The Defence has classified its request as confidential *ex parte* only available to the Defence.⁵

Submissions

7. Accordingly, and in compliance with Single Judge’s instructions, the Defence respectfully requests the Single Judge of Trial Chamber X to order the reclassification of the Request as public; and further requests that the classification of ICC-01/12-01/18-360-Conf-Exp-Anx as *ex parte* (Defence only) be maintained, due to the fact that it concerns private communications

¹ ICC-01/12-01/18-360-Conf-Exp.

² ICC-01/12-01/18-621-Conf.

³ ICC-01/12-01/18-621-Conf-Anx-Corr.

⁴ ICC-01/12-01/18-621-Conf-Anx-Corr-Anx2.

⁵ Request, para. 5.



Melinda Taylor
Lead Counsel for Mr Al Hassan



Marie-Hélène Proulx
Associate Counsel for Mr Al Hassan

Dated this 18th Day of March 2020
At The Hague, The Netherlands