

**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-01/12-01/18-583-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 7 February 2020, the Defence for Mr. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (the Defence) submitted its “Request for Confirmation, or in the Alternative, for Modification of the Monitoring Regime” (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 and Registry as it concerns Mr Al Hassan’s religious practice and private life.⁵

Submissions

7. In light of the above and in compliance with the 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-01/12-01/18-583-Conf-Exp-AnxA as *ex parte* (Registry and Defence only) be maintained, due to the fact that it concerns private communications.

¹ ICC-01/12-01/18-583-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. 3.



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