



Original: English

No. ICC-01/12-01/18

Date: 31 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

**First order on the classification of decisions initially issued *ex parte*
by Pre-Trial Chamber I**

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
Thomas Hannis

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

Judge Kimberly Prost, acting as Single Judge of Trial Chamber X of the International Criminal Court, in the case of The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, having regard to Regulation 23*bis* of the Regulations of the Court, issues the present order.

1. During a status conference held on 18 February 2020, the Single Judge gave directions for the parties and participants to undertake a review of their *ex parte* filings on the case record.¹
2. On the basis of a list of *ex parte* filings provided by the Registry,² the Single Judge has undertaken this review for decisions and orders on the record, including when they were issued by Pre-Trial Chamber I.
3. Having given due consideration to the factual and legal basis initially provided for the chosen classification, the Single Judge issues the following confidential-redacted versions of decisions by the Pre-Trial Chamber I:
 - a) Ordonnance sollicitant des observations relatives au Témoin MLI-OTP-P-0520, issued *ex parte* (OTP and VWU only), ICC-01/12-01/18-207-Conf-Exp;
 - b) Rectificatif à la « Décision relative à la requête du Procureur aux fins de divulgation des déclarations des témoins MLI-OTP-P-0554 et MLI-OTP-P-0984 à la défense », issued *ex parte* (OTP and VWU only), ICC-01/12-01/18-492-Conf-Exp-Corr), as well as its annex (ICC-01/12-01/18-492-Conf-Exp-Corr-Anx1); and
 - c) Décision relative à la requête du Greffe sollicitant des orientations sur la mise en œuvre du régime de surveillance en détention, issued *ex parte* (Registry only), ICC-01/12-01/18-369-Conf-Exp;
4. In light of the above, the Single Judge also finds it appropriate to order the reclassification of Pre-Trial Chamber I's 'Décision relative à la requête de la

¹ ICC-01/12-01/18-T-011-CONF-ENG ET, pp 8-9.

² ICC-01/12-01/18-621-Conf-Anx-Corr and ICC-01/12-01/18-621-Conf-Anx-Corr-Anx2.

défense sollicitant l'accès à une décision *ex parte* de la Chambre' (ICC-01/12-01/18-456-Conf-Exp) from '*ex parte* (Defence only)' to 'confidential'.

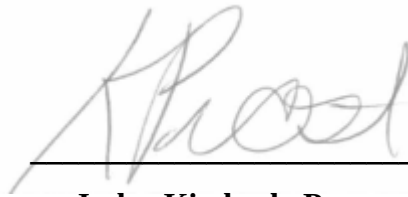
5. The Single Judge informs the parties and participants that her review of *ex parte* decisions and material is ongoing and that the *ex parte* classification of other documents on the record will soon be revoked.

THE SINGLE JUDGE HEREBY

PUTS ON THE RECORD confidential-redacted versions of the filings listed above at paragraph 3;

INSTRUCTS the Registry to proceed to the reclassification referred to at paragraph 4 above.

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

A handwritten signature in grey ink, appearing to read 'K. Prost', is written over a horizontal line.

Judge Kimberly Prost

Single Judge

Dated this Tuesday, 31 March 2020

At The Hague, The Netherlands