



Original: English

No. ICC-01/12-01/18

Date: 14 April 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

**Second 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

Paddy Craig

**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 23bis 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. On 31 March 2020, the Single Judge issued her ‘First order on the classification of decisions initially issued *ex parte* by Pre-Trial Chamber I’.³
4. Having given due consideration to the factual and legal basis initially provided for the chosen classification, as well as the recent reclassification of relevant material on the record, the Single Judge issues the following confidential-redacted versions of decisions of Pre-Trial Chamber I:
 - a) Décision suite au dépôt par le Greffier d’un rapport concernant un incident survenu lors de la surveillance active des communications téléphoniques de M. Al Hassan , issued *ex parte* Defence and Registry only, ICC-01/12-01/18-186-Conf-Exp; and
 - b) Décision relative aux requêtes du Procureur concernant la divulgation de notes d’enquêteurs portant sur des témoins dont les déclarations ont été divulguées sous forme de résumés anonymes ou avec expurgations, issued *ex parte* Prosecution and VWU only, ICC-01/12-01/18-453-Conf-Exp;

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.

³ ICC-01/12-01/18-701.

5. The Single Judge also instructs the Registry to reclassify Pre-Trial Chamber I's 'Décision relative à la requête du Greffier sur les communications vidéo au centre de détention' (ICC-01/12-01/18-481-Conf-Exp) from 'ex parte, Registry and Defence only' to 'confidential' and finds it appropriate to instruct the Registry to file a confidential-redacted version of its related submissions (ICC-01/12-01/18-474-Conf-Exp).
6. The Single Judge informs the parties and participants that her review of *ex parte* decisions is now completed. At the time being, only written decisions for which the *ex parte* classification is strictly required and justified remain on the case record.

THE SINGLE JUDGE HEREBY

PUTS ON THE RECORD confidential-redacted versions of decisions ICC-01/12-01/18-186-Conf-Exp and ICC-01/12-01/18-453-Conf-Exp; and

INSTRUCTS the Registry to reclassify decision ICC-01/12-01/18-481-Conf-Exp to confidential and to file, within seven days of notification of the present decision, a confidential-redacted version of ICC-01/12-01/18-474-Conf-Exp.

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



Judge Kimberly Prost
Single Judge

Dated this Tuesday, 14 April 2020

At The Hague, The Netherlands