



Original: English

No. ICC-01/12-01/18

Date: 3 June 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

Order scheduling a 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

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Kimberly Prost, acting as Single Judge of Trial Chamber X (‘Single Judge’ and ‘Chamber’, respectively) of the International Criminal Court, in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, issues the present scheduling order.

1. The Chamber held *inter partes* status conferences on 12 December 2019¹ and 18 February 2020.²
2. On 29 April 2020, approximately six weeks after the closure of the Court’s premises, and in light of the imminent start of trial, the Chamber issued an order instructing the parties, participants, and Registry to discuss and submit proposals on the organisation of the trial proceedings in light of the COVID-19 pandemic.³ The Chamber specifically requested submissions of concrete proposals for the holding of a status conference in June 2020.
3. Having had regard to the submissions received,⁴ and given particular weight to the fact that the Registry considers that the holding of a hearing at the Court’s premises is one of the options which can now be envisaged,⁵ the Single Judge considers that it is appropriate, with certain conditions being respected, to convene the next status conference. This status conference shall be held on 30 June 2020.
4. The Single Judge is of the view that, to ensure that this status conference is as safe as possible for all persons involved, the recommendations of the Court’s

¹ Transcript of hearing on 12 December 2019, ICC-01/12-01/18-T-008-ENG.

² Transcript of hearing on 18 February 2020, ICC-01/12-01/18-T-011-CONF-ENG.

³ Order to provide information on methods of work to minimise the impact of COVID-19 and related measures on the conduct of proceedings, 29 April 2020, ICC-01/12-01/18-776.

⁴ Observations complémentaires de l’Accusation à la suite de l’ordonnance de la Chambre intitulée “Order to provide information on methods of work to minimise the impact of COVID-19 and related measures on the conduct of proceedings”, 18 May 2020, ICC-01/12-01/18-818-Conf; Defence submissions pursuant to Trial Chamber X’s “Order to provide information on methods of work to minimise the impact of COVID-19 and related measures on the conduct of proceedings” – ICC-01/12-01/18-776, 20 May, ICC-01/12-01/18-825-Conf-Exp, only available to the Defence and the Registry, with confidential and *ex parte* annexes; Observations en application de l’ordonnance ICC-01/12-01/18-776, 20 May 2020, ICC-01/12-01/18-821-Conf; and Registry’s observations on methods of work to minimise the impact of COVID-19 and related measures on the conduct of proceedings (ICC-01/12-01/18-776), 20 May 2020, ICC-01/12-01/18-824 (the ‘Registry Observations’), with confidential and *ex parte* annexes.

⁵ Registry Observations, ICC-01/12-01/18-824, para. 12.

Occupational Health Unit as to the modalities of this hearing, as formulated in the latest Registry observations on any further required adjustment thereto, shall be followed. All those present at the Court for the purpose of the hearing will be required to respect strictly the measures adopted by the Court in response to the situation, notably any protocol specifically developed for the purpose of the status conference.

5. To facilitate this and expedite the screening process, the parties and participants are instructed to provide the Registry by 5 June 2020 with the names of the persons who are expected to participate in the status conference from the courtroom (2 to 3 maximum per party and participant) or those who will follow the proceedings from elsewhere in the building.
6. The parties and participants are also invited to submit proposal for agenda items via email by 18 June 2020. The Single Judge however already emphasises that, primarily because it is foreseen that the conference will have to be held in three separate sessions of one hour,⁶ the agenda will be kept to what is strictly required.
7. Finally, in relation to the attendance of Mr Al Hassan, the Single Judge encourages the Registry and the Defence to continue to dialogue on the modalities for such an appearance which would be acceptable for both. If ultimately Mr Al Hassan wishes to waive his right to attend the scheduled status conference,⁷ any such waiver should be filed on the record of the case by 26 June 2020.

⁶ Registry Observations, ICC-01/12-01/18-824, para. 16.

⁷ See Transcript of *ex parte* hearing held on 29 May 2020, ICC-01/12-01/18-T-014-Conf-Exp-Eng page 10, lines 18-23.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

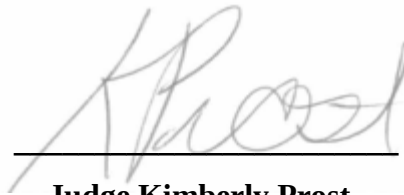
CONVENES a status conference on 30 June 2020;

INSTUCTS the parties and participants to provide the names of persons who will participate in the hearing from the Court, in one way or another, by 5 June 2020;

INVITES the parties and participants to submit any proposal for agenda items, as set out above, by 18 June 2020; and

REQUESTS that the Defence files Mr Al Hassan's waiver of his right to be attending the hearing, if any, by 26 June 2020.

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 Wednesday, 3 June 2020

At The Hague, The Netherlands