



Original: English

No.: ICC-01/12-01/18
Date: 18 December 2020

TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Kimberly Prost

**SITUATION IN THE REPUBLIC OF MALI
IN THE CASE OF
THE PROSECUTOR *v.* AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD**

Public

**With Confidential *EX PARTE* Annexes 1-50, only available to the Registry and the
Common Legal Representatives of Victims**

**Registry Fourth Transmission of Group A Victim Applications for Participation in
Trial Proceedings**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Mr Seydou Doumbia

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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Defence**

States' Representatives

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REGISTRY

Registrar

Mr Peter Lewis

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**Victims Participation and Reparations
Section**

Mr Philipp Ambach

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I. Introduction

1. For the purpose of organizing victim participation at the trial stage in the case of the *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (“Case”), Trial Chamber X (“Chamber”) ruled in its Decision on the procedure for the admission of victims to participate in proceedings for the purposes of trial (“12 March 2020 Decision”)¹ to continue the “ABC approach” for victim admission as applied at the pre-trial stage in the Case, with minor modifications. Following this procedure, the Registry classifies victim applicants into three categories: (a) applicants who clearly qualify as victims in the Case (“Group A”); (b) applicants who clearly do not qualify as victims (“Group B”); and (c) applicants for whom the Registry could not make a clear determination for any reason (“Group C”).² The Chamber also ordered the Registry to submit Group A application forms to the Chamber no later than 15 days before the start of trial.³
2. On 12 June 2020, the Chamber decided to extend the deadline set by the 12 March 2020 Decision for the final transmission of newly collected victim applications to the end of the Prosecution case on the basis of the current COVID-19 pandemic (“12 June 2020 Decision”). The Chamber instructed the Registry to file the newly collected applications on a rolling basis in periodic intervals; as was previously the case, the Registry’s final corresponding reports must be notified within the same deadline.⁴

¹ Trial Chamber X, “Decision on the procedure for the admission of victims to participate in proceedings for the purposes of trial”, 12 March 2020, ICC-01/12-01/18-661.

² *Id.* at paras 19-21; See also Pre-Trial Chamber I, “Decision Establishing the Principles Applicable to Victims’ Applications for Participation”, 24 May 2018, ICC-01/12-01/18-37, para 59 (i).

³ 12 March 2020 Decision, para. 29. The Registry notes that in accordance with para. 39 of 12 March 2020 Decision, that the “future victim applicants be represented by the single team of LRVs currently representing Participating Victims”. The Registry therefore deems it necessary to notify them of the confidential *ex parte* annexes to the present transmission.

⁴ Trial Chamber X, “Decision on request for extension of deadlines for the final transmission of victim applications for participation at trial”, 12 June 2020, ICC-01/12-01/18-880, paras 10-14 and Disposition, p. 8.

3. From 29 May to 29 June 2020, the Registry transmitted to the Chamber a total of 1,097 Group A applications and 5 Group C applications; it also informed the Chamber regarding 47 Group B applications and 101 applications assessed as incomplete.⁵
4. On 13 November 2020, the Registry transmitted 183 newly collected applications of victims, together with a report thereon.⁶
5. By email communication of 23 November 2020, the Registry informed the Chamber that following a periodic check and overview exercise recently completed for 127 applications for participation and/or reparations received in relation to the Mali situation (prior to the *Al Hassan* case-specific application process), 81 applications were assessed by the Victims Participation and Reparations Section (“VPRS”) as outside of the scope of the *Al Hassan* case, 39 forms were assessed as unclear and requiring further information, and seven forms were assessed as complete and falling within the scope of the *Al Hassan* case. The Registry thus requested the Chamber’s clarification as to whether these forms, once assessed as complete and clearly inside the scope of the Case, could be transmitted in its future transmissions of Group A applications.⁷
6. On 24 November 2020, the Single Judge clarified that these application forms may be transmitted to the Chamber insofar as they are assessed by the Registry

⁵ Registry, “Registry Transmission of Group C Victim Applications for Participation at Trial”, 29 May 2020, ICC-01/12-01/18-834, and “Registry First Assessment Report on Victim Applications for Participation in Trial Proceedings”, 29 May 2020, ICC-01/12-01/18-835; “Registry First Transmission of Group A Victim Applications for Participation in Trial Proceedings”, dated 24 June 2020 and notified on 25 June 2020, ICC-01/12-01/18-901, and “Registry’s Second Assessment Report on Victim Applications for Participation in Trial Proceedings”, 24 June 2020, ICC-01/12-01/18-900; “Registry Second Transmission of Group A Victim Applications for Participation in Trial Proceedings”, dated 29 June 2020 and notified on 30 June 2020, ICC-01/12-01/18-913, and “Registry’s Third Assessment Report on Victim Applications for Participation in Trial Proceedings”, 29 June 2020, ICC-01/12-01/18-910.

⁶ Registry, “Registry Third Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 13 November 2020, ICC-01/12-01/18-1153, and “Registry’s Fourth Assessment Report on Victim Applications for Participation in Trial Proceedings”, 13 November 2020, ICC-01/12-01/18-1152.

⁷ Email from Chief VPRS to Trial Chamber X communications, on 23 November 2020, at 15:01.

as complete and falling within the scope of the *Al Hassan* case (“24 November 2020 clarification”).⁸

II. Applicable Law

7. The present transmission is submitted in accordance with article 68(1) and (3) of the Rome Statute, rules 85 to 89 and 92 of the Rules of Procedure and Evidence, regulation 86 of the Regulations of the Court, and regulations 107 to 109 of the Regulations of the Registry.

III. Classification

8. The annexes to the present transmission are classified as confidential *ex parte* in accordance with paragraph 29 of the 12 March 2020 Decision and because they contain information that could potentially lead to the identification of victim applicants.

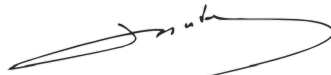
IV. Transmission

9. The Registry hereby transmits 50 applications⁹ for participation in the proceedings in original version to the Chamber in accordance with paragraph 13 of the 12 June 2020 Decision and the 24 November 2020 clarification. These applications have been assessed by the Registry as complete and falling within Group A. The Registry’s assessment report pertaining to these applications is being filed simultaneously under separate cover.

⁸ Email from Trial Chamber X communications to Chief VPRS, on 24 November 2020, at 10:50.

⁹ This number includes seven application forms received prior to the *Al Hassan* case-specific application process (see *supra* paras 5 and 6).

10. The Registry will continue to transmit victims' applications on a rolling basis in regular intervals until the end of the Prosecution case.



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 18 December 2020

At The Hague, The Netherlands