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No.: ICC-01/12-01/18

Date: 22 January 2021

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 1-70, only available to the Registry and the
Common Legal Representatives of Victims**

**Registry's Fifth 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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REGISTRY

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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. On 24 November 2020, the Chamber clarified that applications received prior to the case-specific application process may be transmitted to the Chamber insofar as they are assessed by the Registry as

3. So far, the Registry transmitted to the Chamber a total of 1330 Group A applications⁵ and five Group C applications; it also informed the Chamber regarding 47 Group B applications and 101 applications assessed as presently incomplete.⁶

II. Applicable Law

4. 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

5. 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

complete and falling within the scope of the Case (email from Trial Chamber X communications to Chief of VPRS, on 24 November 2020, at 10:50; see also “Registry Fourth Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 18 December 2020, ICC-01/12-01/18-1216, paras 5-6).

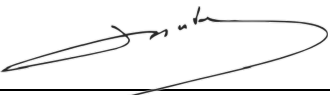
⁵ Among the 1330 Group A applications, 826 are applications from victims authorised to participate during pre-trial proceedings and who remain within the scope of the confirmed Case for the purpose of trial (see “Registry’s Third Assessment Report on Victim Applications for Participation in Trial Proceedings”, 29 June 2020, ICC-01/12-01/18-910, paras 4 and 24).

⁶ 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; “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; “Registry Fourth Transmission of Group A Victim Applications for Participation in Trial Proceedings”, 18 December 2020, ICC-01/12-01/18-1216, and “Registry’s Fifth Assessment Report on Victim Applications for Participation in Trial Proceedings”, 18 December 2020, ICC-01/12-01/18-1214.

contain information that could potentially lead to the identification of victim applicants.

IV. Transmission

6. The Registry hereby transmits 70 applications for participation in the proceedings in their original version to the Chamber, in accordance with paragraph 13 of the 12 June 2020 Decision. 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.
7. 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 22 January 2021

At The Hague, The Netherlands