



Original : English

N°: ICC-01/12-01/18
Date: 01 February 2021

TRIAL CHAMBER X

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

SITUATION IN MALI

**IN THE CASE OF
*THE PROSECUTOR v. c. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD***

Public

With public redacted Annexes 1 to 19

Registry Quarterly Report on Email Decisions dated February 2020

Source : Registry

The Office of the Prosecutor
Mr Gilles Dutertre

Counsel for Al Hassan
Ms Melinda Taylor

Legal Representatives of the Victims
Mr Seydou Doumbia
Mr Mayombo Kassongo
Mr Fidel Luvengika Nsita

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants
(Participation/Reparation)

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar
Mr Peter Lewis

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

I. Introduction

1. The Registry hereby submits the present report and its annexes 1 to 19 consisting of e-mail decisions ("Report"), pursuant to the "Third decision on matters related to the conduct of proceedings" ("Third Decision"),¹ issued on 4 September 2020 by Trial Chamber X ("Chamber").

II. Procedural History

2. On 4 September 2020, the Chamber issued the Third Decision in which it stated that: " [...] *to expedite decisions on minor procedural matters or in order to react to urgent circumstances, occasional rulings from the Chamber and the Single Judge have been issued by way of email sent to the parties and participants. In order to ensure that the principles of fairness and publicity are respected, the Chamber finds it appropriate to adopt a system whereby these email decisions are systematically put on the record of the case.*"²
3. The Chamber further directed the Registry to file all email decisions on the case record in quarterly reports ("Quarterly Reports") starting on 01 October 2020.³ The Chamber provided criteria for the application of redactions to the email decisions.⁴
4. The Chamber clarified in the Third Decision that emails related to the submission of evidence should not be part of the Quarterly Reports as these emails are put on the record by way of a separate procedure.⁵

¹ Trial Chamber X, Third decision on matters related to the conduct of proceedings, [ICC-01/12-01/18-1040](#), 4 September 2020.

² *Ibid.*, para. 3.

³ *Ibid.*, para. 4. This applies to all email decisions issued by Trial Chamber X from 01 October 2020 onwards.

⁴ See *supra* note 1 ; para. 5.

⁵ See *supra* note 1, footnote 3 of the Decision.

5. Additionally the Chamber noted that it will provide the Registry with the email decisions issued up to the date of the Third Decision (“Backlog email decisions”) so that they can be put on the case record.⁶
6. On 1 October 2020, the Chamber provided to the Court Management Section in the Registry (“CMS”) the Backlog email decisions for filing on the case record.⁷
7. The Registry will file the Backlog email decisions in monthly reports containing the email decisions of the Chamber for the respective month.⁸

III. Applicable Law

8. For the purpose of the present submission, the Registry considered articles 64(7) and 67(1) of the Rome Statute and rule 140 of the Rules of Procedure and Evidence.

IV. Submission

9. In order to enable the parties and participants to suggest redactions, the Registry followed the procedure that was adopted for the purposes of the Report. Hence, the Registry liaised on 11 and 14 December 2020 with the parties and participants and annexes numbered 1 to 19 for the period of February 2020. In its email the Registry requested the parties and participants to send the agreed redacted annexes back on 8 January 2021 and further recalled that any disagreements or objections on specific redactions should be

⁶ See *supra* 1 note , para.7.

⁷ Fifteen emails sent by the Chamber to the Registry CMS dated 1st October 2020 containing all decisions by month from November 2019 to September 2020.

⁸ The Single Judge granted the Registry’s request by email to extend the deadline from 01 January 2021 to 01 February 2021 – See Single Judge’s Decision by email dated 23 November 2020, 17h55.

directly addressed to the Chamber by the parties and participants with the Court Officers in copy.⁹

10. From 11 December 2020 the parties, participants reverted to the Registry with their proposals.¹⁰

11. The Registry hereby attaches annexes 1 to 19 to the present Report, containing the Chamber's email decisions as well as the relevant email submissions of the parties redacted as appropriate for the month of January 2020:

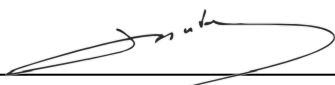
- **Annex 1:** Al Hassan case - Proposed lesser redacted versions of transcripts in relation to filing ICC-01/12-01/18-549-Conf-Exp, Communications, dated 03 February 2020, 16:38
- **Annex 2:** TC X - RE: Request for a reclassification of conf exp Annexes, dated 03 February 2020 12:50
- **Annex 3:** Experts request to meet with Mr Al Hassan, dated 04 February 2020, 15:39
- **Annex 4:** Experts request to meet with Mr Al Hassan, dated 07 February 2020, 10:40
- **Annex 5:** Al Hassan: public redacted versions of filings related to ICC-01/12-01/18-557-Conf-Exp, dated 10 February 2020, 10:20
- **Annex 6:** Al Hassan case - Observations on filing 583-Conf-Exp, dated 10 February 2020, 13:52

⁹ Emails sent by the Registry CMS Court Officer to the parties and participants and to different sections of the Registry dated Friday 11 December 2020

¹⁰ Different sections within the Registry were also consulted where appropriate and provided their feedback.

- **Annex 7:** Redacted version/reclassification of Defence filing ICC-01/12-01/18-570-Conf-Exp, dated 12 February 2020, 16:30
- **Annex 8:** Reclassification filing ICC-01/12-01/18-525-Conf-Exp, dated 12 February 2020, 13:42
- **Annex 9** TC X - Reclassification of decision ICC-01/12-01/18-560-Conf-Exp, dated 13 February 2020, 15:43
- **Annex 10:** Reclassification filing ICC-01/12-01/18-586, dated 14 February 2020, 11:49
- **Annex 11:** Reclassification filing ICC-01/12-01/18-586, dated 14 February 2020, 11:51
- **Annex 12:** Inadvertent disclosure - P-0538, dated 14 February 2020 14:07
- **Annex 13:** Request for an ex parte hearing, dated 18 February 2020, 11:15
- **Annex 14:** TC X - Single Judge decision on the procedure to be followed pursuant to Regulation 42 of the Regulations, dated 19 February 2020, 17:55
- **Annex 15:** Submissions on the conduct of the proceedings, and the pending joint filing on the Contact Protocol, dated 20 February 2020, 09:12
- **Annex 16:** Implementation of Decision ICC-01/12-01/18-586-Conf, dated 21 February 2020, 16:31

- **Annex 17:** TC X - Shortening of deadline for responses to Prosecution Request 609-Conf, dated 24 February 2020, 12:00
- **Annex 18:** TC X - Decision on Defence Request ICC-01/12-01/18-613, dated 25 February 2020, 14:33
- **Annex 19:** Urgent request, dated 27 February 2020, 11:03



Marc Dubuisson
Director Division Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 01 February 2021

At The Hague, The Netherlands