



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 11 and 13 to 17

Registry Quarterly Report on Email Decisions dated May 2020

Source : Registry

The Office of the Prosecutor

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(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 11 and annexes 13 to 17 consisting of email 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 1 October 2020³ and provided criteria for the application of redactions to these email decisions.⁴
4. The Chamber also 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 would provide the Registry with the email decisions issued up to the date of the Third Decision (“Backlog email decisions”) so that they can be registered in the case record.⁶
6. On 1 October 2020, the Chamber provided to the Court Management Section of the Registry (“CMS”) the Backlog email decisions for filing on the case record.⁷
7. The Registry will therefore 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 has 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. Therefore, on 11 and 14 December 2020 the Registry followed a consultation process with the parties and participants in relation to annexes numbered 1 to 17 for the period of May 2020. During this consultation the Registry requested the parties and participants to provide the agreed redacted annexes by 8 January 2021 and further recalled that any disagreements or

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.

objections on specific redactions should be directly addressed to the Chamber by the parties and participants with the Court Officers in copy.⁹

10. From 11 December 2020 onwards the parties and participants have reverted to the Registry with their proposals.¹⁰

11. On 19 January 2021, the Defence requested the Chamber to maintain the classification of several email decisions.¹¹

12. On 20 January 2021¹², the Single Judge granted the Defence's request to maintain the classification of annex 12 and not to file a public redacted version on the case record.¹³

13. The Registry hereby attaches annexes 1 to 11 and 13 to 17 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 May 2020:

- **Annex 1:** TC X - Shortening deadline for responses to OTP Request 780-Conf-Red, dated 04 May 2020, 09:15.
- **Annex 2:** TC X - Reclassification of decision ICC-01/12-01/18-770-Conf, dated 06 May 2020, 12:56.
- **Annex 3:** TC X - Extension of deadline for Defence submissions due today, dated 07 May 2020, 13:09.
- **Annex 4:** Inadvertent disclosure, dated 08 May 2020, 10:25.
- **Annex 5:** Inadvertent disclosure, dated 11 May 2020, 08:20.

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.

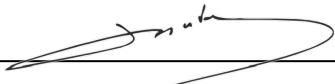
¹¹ Email sent by the Defence to Trial Chamber X dated 19 January 2021, 18h41

¹² Single Judge's decision by email dated 20 January 2021, 11h41

¹³ The Registry will file the unredacted version of all Decisions issued by email in compliance with the Single Judge's instructions by email to Registry CMS, dated 18 January 2021, 10:22

- **Annex 6:** Demande de déposer après 4 heures, dated 12 May 2020, 10:16.
- **Annex 7:** The Prosecutor v. Al Hassan: ICC-01/12-01/18-804 - Defence request for leave to appeal Trial Chamber X's "Decision on the conduct of proceedings" (ICC-01/12-01/18-789), dated 12 May 2020, 17:58.
- **Annex 8:** TC X - Reclassification of confidential decisions, dated 13 May 2020, 15:33.
- **Annex 9:** The Prosecutor v. Al Hassan: ICC-01/12-01/18-804 - Defence request for leave to appeal Trial Chamber X's "Decision on the conduct of proceedings" (ICC-01/12-01/18-789), dated 13 May 2020, 17:48.
- **Annex 10:** Request to remove Legal Representatives' access from two documents in eCourt (Metadata Update 13), dated 14 May 2020, 08:32.
- **Annex 11:** Trial Brief , dated 18 May 2020, 16:05.
- **Annex 13:** Request to file after 4 pm, dated 20 May 2020, 15:48.
- **Annex 14:** Courtesy copy of "Defence request for extension of time and page limit" - shortening of deadline for responses, dated 27 May 2020, 12:14.
- **Annex 15:** TC X - virtual ex parte session Al Hassan Defence and DJSS – agenda, dated 28 May 2020, 09:29.
- **Annex 16:** Evidence relevant to rule 68(3) applications, 28 May 2020, 13:38.

- **Annex 17:** The Prosecutor v. Al Hassan: ICC-01/12-01/18-829-Conf+Conf-Exp-AnxA – Urgent Defence request for disclosure, dated 28 May 2020, 16:24.



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

Dated this 01 February 2021

At The Hague, The Netherlands