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N°: ICC-01/12-01/18
Date: 04 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 8 and 10 to 22

Registry Quarterly Report on Email Decisions dated September 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 8 and 10 to 22 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 22 for the period of September 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 objections on specific redactions should be directly

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.

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 Prosecution requested the Chamber to maintain the classification level of one email decision.¹¹

12. On 20 January 2021¹², the Single Judge granted the Prosecution's request to maintain the classification of annex 9 and not to file a public redacted version on the case record.¹³

13. The Registry therefore hereby attaches annexes 1 to 8 and 10 to 22 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 September 2020.

- **Annex 1:** TC X - Decision on OTP Request to amend the LOE with 5 photographs from P-0007, dated 01 September 2020, 10:28.
- **Annex 2:** Video Recording of remote preparation sessions, dated 02 September 2020, 13:42.

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 Prosecution to Trial Chamber X dated 19 January 2021, 11:05

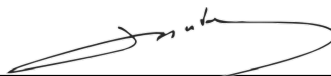
¹² Single Judge's decision by email dated 20 January 2021, 11h47.

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 3:** TC X - Order setting deadlines related to applications ICC-01/12-01/18-1020-Conf-Exp and ICC-01/12-01/18-1022-Conf-Exp, dated 03 September 2020, 13:46.
- **Annex 4:** The Prosecutor v. Al Hassan: ICC-01/12-01/18-1035-Conf – Demande d'autorisation de déposer une réplique aux « Registrar's observations on "Demande de réexamen des Représentants légaux de la décision du Greffe relative à la demande de ressources additi, dated 07 September 2020, 16:48.
- **Annex 5:** List of material for Witness MLI-OTP-P-0007, dated 07 September 2020, 17:38 .
- **Annex 6:** Decision granting in court protective measures for P-0057, dated 10 September 2020, 12:01.
- **Annex 7:** Objections to the use of material by the non-calling party - further directions, dated 10 September 2020, 09:16.
- **Annex 8:** TC X - Decision on Request for extension of deadline from the Medical Experts, dated 10 September 2020, 7:16.
- **Annex 10:** Decision on the LRVs' questioning of witnesses, dated 11 September 2020, 10:35.
- **Annex 11:** Decision granting protective measures for P-0621, dated 16 September 2020, 09:34.
- **Annex 12:** TC X - Reclassification of decision ICC-01/12-01/18-1027-Conf, dated 17 September 2020, 09:26.

- **Annex 13:** URGENT request for delay of testimony of witness P-193 and provision of further information, dated 17 September 2020, 17:56.
- **Annex 14:** Regulation 35 request in relation to P-0623, dated 18 September 2020, 10:27.
- **Annex 15:** List of material for Witness MLI-OTP-P-0075, dated 21 September 2020, 13:20.
- **Annex 16:** Decision granting voice distortion for P-0623, dated 21 September 2020, 13:28.
- **Annex 17:** Decision on Regulation 35 request in relation to P-0623, dated 22 September 2020, 13:23.
- **Annex 18:** Al Hassan : Request for guidance - The Prosecutor v. Al Hassan:ICC-01/12-01/18-1006-Conf - Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence, dated 22 September 2020, 14:24.
- **Annex 19:** Decision granting voice distortion for P-0623, dated 21 September 2020, 13:28.
- **Annex 20:** List of material for submission regarding Witness MLI-OTP-P-0102, dated 24 September 2020, 11:03.
- **Annex 21:** TC X - Decision on Defence request seeking leave for legal assistant to conduct cross-examination, dated 24 September 2020 12:39.

- **Annex 22:** Testimony of Witness MLI-OTP-P-0064, dated 25 September 2020, 18:00.



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

Dated this 04 February 2021

At The Hague, The Netherlands