



Original : English

N°: ICC-01/12-01/18
Date: 05 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 15

Registry Quarterly Report on Email Decisions dated August 2020

Source : Registry

The Office of the Prosecutor

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Legal Representatives of the Victims

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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 15 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 16 for the period of August 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 4th February 2021, the Registry after consultation with the Defence requested the Chamber that annex 16 be kept confidential with the proposed redactions.¹¹

12. On 5th February 2021, the Single Judge authorized that annex 16 is kept confidential. As regards the proposed redactions for the confidential version, the Single Judge reiterated that references to confidential *ex parte* filing numbers need not to be redacted and authorized the remainder of the proposed redactions.¹²

13. The Registry therefore hereby attaches annexes 1 to 15 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 August 2020:

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.

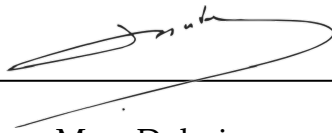
¹⁰ Different sections within the Registry were also consulted where appropriate and provided their feedback.

¹¹ Email sent by the Registry to the Chamber, dated 4th February 2021, at 20:11

¹² Trial Chamber X's decision by email dated 5 February 2021, at 12:38

- **Annex 1:** TC X - Registry observations on LRVs request 973-Conf, 03 August 2020, 08:58
- **Annex 2:** Witness P-0075, 04 August 2020, 13:09
- **Annex 3:** Request to file after 4 pm [Reply to the "Prosecution Response to "Defence Request to terminate the proceedings], 07 August 2020, 11:42
- **Annex 4:** Request to file after 4 pm, 10 August 2020, 12:17
- **Annex 5:** Order on reclassification of filings, 10 August 2020, 12:46
- **Annex 6:** Commencement of the trial in Al Hassan, 12 August 2020, 08:08
- **Annex 7:** TC X - Decision on Prosecution's request seeking clarification of the Witness Preparation Protocol, 13 August 2020, 11:37
- **Annex 8:** TC X - Order setting deadline for responses to Prosecution email of yesterday on Witness order, dated 14 August 2020, 07:17
- **Annex 9:** TC X - Single Judge decision on the Prosecution proposed amended witness order, dated 14 August 2020, 13:05
- **Annex 10:** Corrected version of 885-Conf-Red, dated 14 August 2020, 18:11
- **Annex 11:** TC X - Single Judge decision on Defence request related to Detention visits, , dated 18 August 2020, 10:01
- **Annex 12:** Order on reclassification of filings, dated 19 August 2020, 12:24

- **Annex 13:** Al Hassan - eCourt Protocol (Status Conference Hearing), ,
dated 21 August 2020, 12:35
- **Annex 14:** CONFIDENTIAL - Updated list of witnesses for the Month
of September 2020, , dated 26 August 2020, 13:26
- **Annex 15:** TC X - Order on reclassification of filing 933, , dated 26
August 2020 14:06



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

Done in both English and French, the English version being authoritative.

Dated this 05 February 2021

At The Hague, The Netherlands