



Original: **English**

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

Date: 8 February 2021

**TRIAL CHAMBER X**

**Before:** Judge Antoine Kesia-Mbe Mindua, Presiding  
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 Annex A**

**Prosecution's Addendum to the Trial Brief**

**Source:** Office of the Prosecutor

**Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**

**The Office of the Prosecutor**

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**Unrepresented Victims**

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**The Office of Public Counsel for Victims**

**The Office of Public Counsel for the Defence**

**States Representatives**

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**REGISTRY**

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**Detention Section**

**Victims Participation and Reparations Other Section**

1. On 18 May 2020, the Prosecution filed its Trial Brief,<sup>1</sup> in which it outlined the Prosecution's case against AL HASSAN and the core supporting evidence that the Prosecution intends to rely on at trial. In its submission of the Trial Brief, the Prosecution anticipated requesting notice under regulation 55 of the Regulations of the Court ("Regulations").<sup>2</sup>
2. On 22 June 2020, the Prosecution filed an application for notice to be given pursuant to regulation 55(2) of the Regulations ("Regulation 55(2) Notice")<sup>3</sup> for the facts as confirmed by Pre-Trial Chamber I ("PTCI") to accord with additional modes of liability and or crimes under the Statute.
3. On 17 December 2020, Trial Chamber X ("Chamber") partially granted<sup>4</sup> the Regulation 55(2) Notice and instructed the Prosecution to file an addendum to its Trial Brief "wherein the Prosecution explains its case, with accompanying evidence, under each of the proposed characterisations for which Regulation 55(2) Notice has now been given", and to do so by 29 January 2021.
4. On 21 January 2021, pursuant to regulation 35 of the Regulations, the Prosecution requested an extension of time of three weeks to submit the addendum.<sup>5</sup>
5. On 25 January 2021, the Chamber partially granted the Prosecution's request and directed the Prosecution to file the addendum by 8 February 2021.<sup>6</sup>
6. In compliance with the Chamber's order, the Prosecution hereby files the said addendum. The addendum relates to the following individuals: P-1134, P-0609, P-0570, P-0547, P-0574, P-0542 as well as Dédéou Maïga and individuals referred to in six cases of the Islamic Tribunal.

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<sup>1</sup> ICC-01/12-01/18-819-AnxA-Red.

<sup>2</sup> ICC-01/12-01/18-819-Red.

<sup>3</sup> ICC-01/12-01/18-894-Conf.

<sup>4</sup> ICC-01/12-01/18-1211-Conf.

<sup>5</sup> ICC-01/12-01/18-1257-Conf.

<sup>6</sup> Email from the Chamber, 'FW: Decision on Prosecution's Request for an Extension of Time Limit (filing 1257)', sent on 25 January 2021 at 15:50.

7. The Prosecution observes that in relation to the seventh case, Case No.11/1433/2012, the Prosecution has not included it as part of the updated trial brief because in its original request under regulation 55 of the Regulations, it mistakenly referred to the corresponding Islamic report as being both drafted *and* signed by the Accused.<sup>7</sup> This Islamic report was drafted by the Accused, in his handwriting, but it was not signed.

8. The Prosecution should have stated that all seven cases were instances where the Accused drafted and or signed the related Islamic police report. The Prosecution does apologise for its oversight and any inconvenience caused.

9. Nevertheless, the Prosecution retains its request to apply the alternative mode of liability under article 25(3)(c) in relation to this case, on the basis that the Accused drafted it, in his handwriting (indicated by expert witness P-0657 to be his handwriting),<sup>8</sup> and there is an Islamic tribunal judgment dated the same day. The Prosecution will thus file a separate corrigendum in relation to its regulation 55 request in relation to this case, so as to allow the Defence to respond and the Chamber to decide on the basis of the corrected request.

10. Under regulation 23*bis*(2) of the Regulations, the Prosecution files this application as confidential since it refers to filings of the same classification. A public redacted version will be filed as soon as practicable.



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Fatou Bensouda, Prosecutor

Dated this 8 February 2021

At The Hague, The Netherlands

<sup>7</sup> ICC-01/12-01/18-894-Conf, para.18. There was a typographical error in that the Prosecution should have stated that the Islamic report was drafted and or was signed by him.

<sup>8</sup> P-0657's report, MLI-OTP-0076-0216. p. 0225.