

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **5 March 2021**

APPEALS CHAMBER

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding
Judge Chile Eboe-Osuji
Judge Howard Morrison
Judge Piotr Hofmański
Judge Solomy Balungi Bossa

SITUATION IN THE REPUBLIC OF MALI

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

Confidential

**Defence request under Regulation 35(2) to file a public redacted version of ICC-
01/12-01/18-1236-Conf**

Source: Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

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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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

Peter Lewis

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and
Reparations Section****Other**

I. Introduction

1. On 22 February 2021, the Appeals Chamber issued its ‘Judgment on the appeal of Mr Al Hassan against the decision of Trial Chamber X entitled ‘Decision on the urgent Defence request for a custodial visit on compassionate grounds’ of 23 December 2020’ (‘Judgment’).¹ By the Judgment, the parties and participants were ordered to file public versions of their submissions no later than 1600 on Thursday, 4 March 2021.²
2. On 4 March 2021, the Defence filed its ‘Public redacted version of ‘Corrigendum to ‘Confidential redacted version of ‘Defence Appeal of the Trial Chamber’s “Decision on the urgent Defence request for a custodial visit on compassionate grounds” (ICC-01/12-01/18-1227-Conf)’’.³ However, due to an administrative error, the Defence failed to file the public redacted version of its ‘Defence Notice of Appeal of ‘Decision on the urgent Defence request for a custodial visit on compassionate grounds’ (ICC-01/12-01/18-1227-Conf)’ (‘Notice of Appeal’).⁴ The Defence regrets this error, and apologises to the Appeals Chamber for its failure in this regard.
3. The Defence respectfully requests that the Chamber, pursuant to Regulation 35(2) of the Regulations of the Court, accept the public redacted version of its Notice of Appeal filed today, 5 March 2021.

II. Confidentiality

4. Pursuant to Regulation 23bis(2) of the Regulations of the Court, this response has been filed confidentially as it refers to the Judgment, which is classified as confidential. The Defence does not oppose this request being reclassified as public once a public redacted version of the Judgment is filed.

III. Submissions

5. The Defence sincerely regrets, and apologies for, its failure to file the public redacted version of the Notice of Appeal. Its failure to do so is attributable merely to

¹ ICC-01/12-01/18-1311-Conf.

² ICC-01/12-01/18-1311-Conf, p. 3.

³ ICC-01/12-01/18-1249-Corr-Red2.

⁴ ICC-01/12-01/18-1236-Conf.

inadvertence. The Defence submits that there is good cause to grant this request as there will be no prejudice to the parties and participants by the one (1) day delay in filing and the redactions contained within the public redacted version are minimal.

IV. Relief sought

6. The Defence respectfully requests that the Appeals Chamber, pursuant to Regulation 35(2) of the Regulations of the Court, **ACCEPT** the the public redacted version of the 'Defence Notice of Appeal of 'Decision on the urgent Defence request for a custodial visit on compassionate grounds' (ICC-01/12-01/18-1227-Conf)' filed today, 5 March 2021.



Melinda Taylor
Counsel for Mr. Al Hassan

Dated this 5th Day of March 2021
At The Hague, The Netherlands