



Original : English

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. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD

Public

With public redacted Annexes 1 to 17

Registry Quarterly Report on Email Decisions dated July 2020

Source : Registry

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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 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 July 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. The Registry therefore hereby attaches annexes 1 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 July 2020.

V. Submissions

12. After consideration and implementation of the redactions proposed by the parties and participants, the Registry hereby attaches 17 annexes to the present report.

13. The Registry hereby annexes to the present filing, the Chamber's Decisions dated July 2020 by email as well as the relevant email submissions of the parties redacted as appropriate as follow :

- **Annex 1:** TC X - Shortening of deadline for responses to [REDACTED], dated 01 July 2020, 16:47.
- **Annex 2:** Prosecution request for leave to reply [REDACTED], dated 02 July 2020, 09:55.

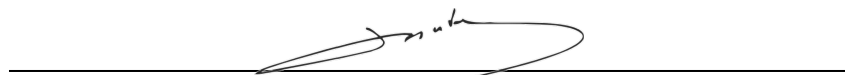
⁹ Emails sent by the Registry CMS Court Officer to the parties and participants and to different sections of the Registry dated Friday 11 December 2020.

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

- **Annex 3:** AL Hassan case: Request to TC X to authorise the reclassification of 8 annexes from filing ICC-01/12-01/18-901, dated 03 July 2020, 15:32.
- **Annex 4:** TC X - Shortening of deadline for responses to ICC-01/12-01/18-927-Conf-Red, dated 03 July 2020, 18:38.
- **Annex 5:** Order on the filing of public redacted versions of filings 870, 891, 892, and 905, dated 06 July 2020, 17:01.
- **Annex 6:** Order instructing the Defence to file a public redacted version of ICC-01/12-01/18-885-Conf-Exp-Corr, 06 July 2020 16:33
- **Annex 7:** Request to file after 4pm, dated 08 July 2020, 10:32.
- **Annex 8:** Commencement of the trial in Al Hassan, dated 08 July 2020, 18:24.
- **Annex 9:** Clarification on the scope of ICC-01/12-01/18-925-Conf, dated 09 July 2020, 15:20.
- **Annex 10:** Decision on Defence request for variation of time limit for filing objections to materials to be used in the course of the opening statements, dated 09 July 2020, 11:01.
- **Annex 11:** Courtesy copy of the “Defence notice of its intention to raise unfitness to stand trial and request for a status conference”, dated 09 July 2020, 16:19.
- **Annex 12:** Decision partially granting the Registry's request for variation of time limit, dated 09 July 2020, 20:44.
- **Annex 13:** The Prosecutor v. Al Hassan: ICC-01/12-01/18-946-Conf-Exp
 - Defence request for leave to reply to the “Registry’s Observations on

the “Defence notice of its intention to raise unfitness to stand trial and request for a status conference” (ICC-01/12-0, dated 10 July 2020, 15:47.

- **Annex 14:** Decision on Defence request for variation of time limit for filing objections to materials to be used in the course of the opening statements, dated 10 July 2020, 15:18.
- **Annex 15:** Authorisation to refile Termination Motion [REDACTED], dated 13 July 2020, 09:42.
- **Annex 16:** Decision on Defence objections to materials to be used in the course of the opening statements, dated 13 July 2020, 15:34.
- **Annex 17:** Demande de déposer après 16 heures, dated 13 July 2020, 09:17.



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

Dated this 04 February 2021

At The Hague, The Netherlands