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N°: ICC-01/12-01/18

Date original: 31 March 2021

Date: 21 September 2021

TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
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 public redacted Annexes 1 to 8 and 10 to 15

**Public redacted version of “Registry Quarterly Report on Email Decisions for the
month of December 2020”, 31 March 2021, ICC-01/12-01/18-1405-Conf**

Source: Registry

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

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I. Introduction

1. The Registry hereby submits the present report and its annexes 1 to 8 and 10 to 15 consisting of email decisions ("Quarterly 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 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.

III. Applicable Law

5. 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

6. In order to enable the parties and participants to suggest redactions, the Registry followed the procedure that was adopted for the purposes of the Quarterly Report. Therefore, on 14 June 2021 the Registry initiated the consultation process with the parties and participants requesting them to provide the agreed redacted annexes by Monday 28 June 2021 and further recalling that any disagreements or objections on specific redactions should be directly addressed to the Chamber with the Court Officers in copy.⁶
7. On 23 July 2021, the Prosecution requested the retention of the initial confidential classification of Annex 9 ("Request").⁷
8. On 24 August 2021, the Single Judge instructed the Registry to proceed with the filing of the Quarterly Report, submitting in the public record of the case the redacted versions of the email decisions as proposed by the Registry with any further uncontested redactions suggested by the parties and participants.⁸ In addition, the Single Judge provided complementary guidance on additional redactions in relation to certain email decisions, and granted the Prosecution's request.⁹

⁶ Emails sent by the Registry CMS Court Officer to Trial Chamber X, parties, participants and different sections of the Registry dated 14 June 2021 at 11:58, 12:05, 12:07, 12:20, and 12:21. The deadline was extended to 23 July 2021 by way of email dated 23 June 2021 at 16:53.

⁷ Email sent by Prosecution dated 23 July 2021 at 12:34.

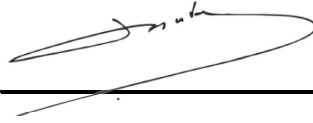
⁸ Single Judge instructions on the preparation of public versions of email rulings to the Registry CMS, dated 24 August 2021, 09:59.

⁹ *Ibid.*

9. The Registry therefore hereby attaches annexes 1 to 8 and 10 to 15 to the present Quarterly Report, containing the Chamber's redacted email decisions as well as the relevant email submissions of the parties for the month of December 2020:

- Annex 1 : Decision dated 01 December 2020, 09:07;
- Annex 2 : Decision dated 01 December 2020, 13:37;
- Annex 3 : Decision dated 01 December 2020, 16:20;
- Annex 4 : Decision dated 02 December 2020, 16:12;
- Annex 5 : Decision dated 02 December 2020, 20:00;
- Annex 6 : Decision dated 04 December 2020, 13:34;
- Annex 7 : Decision dated 04 December 2020, 17:21;
- Annex 8 : Decision dated 07 December 2020, 14:31;
- Annex 10 : Decision dated 17 December 2020, 15:20;
- Annex 11: Decision dated 18 December 2020, 09:33;
- Annex 12 : Decision dated 18 December 2020, 15:47;
- Annex 13 : Decision dated 21 December 2020, 14:06;
- Annex 14 : Decision dated 22 December 2020, 12:26; and,

- Annex 15 : Decision dated 22 December 2020, 13:03.



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

Dated this 21 September 2021

At The Hague, The Netherlands