



Original : English

N°: ICC-01/12-01/18

Date: 30 September 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 Confidential Annexes 6 to 9 and 14

Confidential *EX PARTE* Annex 1 only available to the Prosecution

Confidential *EX PARTE* Annexes 2 and 4 only available to the Defence

**Confidential *EX PARTE* Annex 3 only available to the Prosecution and the
Defence**

**Confidential *EX PARTE* Annex 5 only available to the Legal Representatives of
Victims**

Confidential *EX PARTE* Annexes 10 and 11 only available to the Registry

**Confidential *EX PARTE* Annexes 12 and 13 only available to the Defence and the
Registry**

**Confidential and confidential *EX PARTE* versions of Annexes 1 to 14 of Registry
Report on Email Decisions for the period November and December 2019, dated 4
February 2021, ICC-01/12-01/18-1284**

Source: Registry

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

The Office of the Prosecutor

Mr Karim A. A. Khan
Mr James Stewart
Mr Gilles Dutertre

Counsel for Al Hassan

Ms Melinda Taylor
Ms Kirsty Sutherland

Legal Representatives of the Victims

Mr Seydou Doumbia
Mr Mayombo Kassongo
Mr Fidel Luvengika Nsita

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

Mr Esteban Peralta Losilla

Victims and Witnesses Unit**Detention Section**

Mr Harry Tjonk

**Victims Participation and Reparations
Section****Other**

I. Introduction

1. Pursuant to the Single Judge' s instructions issued by email on 18 January 2021 to file confidential versions of Trial Chamber X ("Chamber") email decisions and consult in due course the parties and participants with regard to public redacted versions¹, the Registry submits the present report ("Report") and its 14 confidential annexes consisting of the confidential versions of the email decisions previously filed in the Registry Report on Email Decisions for the period November and December 2019.²

II. Procedural History

2. On 4 September 2020, the Chamber released its "Third decision on matters related to the conduct of proceedings"³ 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.*"⁴
3. The Chamber further directed the Registry to file all email decisions on the case record in quarterly reports starting on 1 October 2020.⁵
4. On 1 October 2020, the Chamber provided to the Registry the back log of email decisions dated November 2019 until September 2020 included.⁶

¹ Trial Chamber X Decision by email to the Registry, dated 18 January 2021, 10:22.

² [Registry Report on Email Decisions for the period November and December 2019](#), ICC-01/12-01/18-1284, 4 February 2021.

³ Trial Chamber X, [Third decision on matters related to the conduct of proceedings](#), ICC-01/12-01/18-1040, 4 September 2020.

⁴ *Ibid.*, para. 3.

⁵ *Ibid.*, para. 4.

5. On 18 January 2021, the Chamber further instructed the Registry to file with the quarterly reports the email decisions without redactions and consult in due course the parties and participants with regard to public redacted versions.⁷
6. On 4 February 2021, the Registry filed the public redacted version of the Registry Report on Email Decisions for the period November and December 2019.⁸

III. Applicable law

7. For the purpose of the present submission, the Registry considered articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

IV. Submissions

8. The Registry therefore attaches annexes 1 to 14 to the Report, containing the confidential and confidential *EX PARTE* versions of the Chamber's email decisions as well as the relevant email submissions of the parties for the months of November and December 2019:

- **Annex 1:** Al Hassan: Decision on discrete disclosure requests following Defence contact with four individuals dated 26 November 2019, 12:55.
- **Annex 2:** TC X - Reclassification of Defence ex parte filing ICC-01/12-01/18-519-Conf-Exp-AnxA, dated 9 December 2019, 17:35.
- **Annex 3:** Filing 520-Conf-Exp, dated 13 December 2019, 15:53.

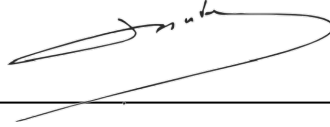
⁶ Fifteen emails sent by Trial Chamber X Communications to the Registry, dated 1 October 2020 containing all decisions by month.

⁷ Trial Chamber X Decision by email to the Registry, see *supra* note 1.

⁸[Registry Report on Email Decisions for the period November and December 2019](#), see *supra* note 2.

- **Annex 4:** Mr. Al Hassan's presence at the upcoming status conference, dated 11 December 2019, 8:52.
- **Annex 5:** URGENT - Préoccupations sur la représentation légale des victimes, dated 12 December 2019, 09:28.
- **Annex 6:** Shortening of deadline to respond to filing ICC-01/12-01/18-527, dated 12 December, 11:38.
- **Annex 7:** Suspension of time limits during the judicial recess, dated 12 December 2019, 15:22.
- **Annex 8:** Decision of the Chamber on filing ICC-01/12-01/18-527, dated 12 December 2019, 17:24.
- **Annex 9:** TC X - Decision on Defence request seeking reclassification of
- ICC-01/12-01/18-527-Conf-Exp, dated 17 December 2019, 14:46.
- **Annex 10:** TC X - Implementation of Trial Chamber X decision ICC-01/12-01/18-533-Conf-Exp- disclosure of medical records, dated 19 December 2019 10:51.
- **Annex 11:** Al Hassan case - Observations on filing ICC-01/12-01/18-525-Conf-Exp, dated 19 December 2019, 17:20.
- **Annex 12:** Medical records, dated 23 December 2019, 10:53.
- **Annex 13:** Urgent - Demande de rencontres privilégiées avec expert, dated 23 December 2019, 11:01.

- **Annex 14:** Trial Chamber X - Al Hassan: order to the Prosecution to file confidential redacted version of ICC-01/12-01/18-518-Conf-Exp, dated 06 December 2019, 16:45.



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

Dated this 30 September 2021

At The Hague, The Netherlands