



Original : English

N°: ICC-01/12-01/18
Date: 18 October 2021

TRIAL CHAMBER X

Before: Judge Antoine Kesia-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 1, 3, 6, 8 to 10 and 12

Confidential *EX PARTE* Annexes 2, 4 and 5 only available to the Registry
Confidential *EX PARTE* Annexes 7 and 13 only available to the Defence and the
Registry
Confidential *EX PARTE* Annex 11 only available to the Prosecution, the Defence
and the Registry

Confidential and Confidential *EX PARTE* versions of Annexes of Registry Report
on Email Decisions for the period January 2020, dated, 28 January 2021, ICC-01/12-
01/18-1270

Source: Registry

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

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**Unrepresented Applicants
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Victims**

**The Office of Public Counsel for the
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Amicus Curiae

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Registrar

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Mr Nigel Verrill

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Mr Harry Tjonk

**Victims Participation and Reparations
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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 13 confidential and confidential *ex parte* annexes consisting of the confidential versions of the email decisions previously filed in the Registry Report on Email Decisions for the period January 2020.²

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

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

² [Registry Report on Email Decisions for the period January 2020](#), ICC-01/12-01/18-1270, 28 January 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.

4. On 1 October 2020, the Chamber provided to the Registry the backlog of email decisions dated November 2019 until September 2020 included.⁶
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 28 January 2021, the Registry filed the public redacted version of the Registry Report on Email Decisions for the period January 2020.⁸

III. Level of classification

7. Pursuant to regulation 23*bis*(1) of the Regulations of the Court (“RoC”), the annexes are classified as “confidential” and “confidential *EX PARTE*” because they refer to sensitive information that should not be disclosed to the public.

IV. Applicable law

8. 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.

V. Submissions

9. The Registry therefore hereby attaches annexes 1 to 13 to the Report, containing the confidential and confidential *ex parte* versions of the Chamber’s

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

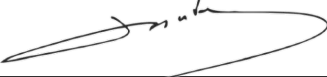
⁷ Trial Chamber X Decision by email to the Registry, see *supra* note 1.

⁸ [Registry Report on Email Decisions for the period January 2020](#), see *supra* note 2.

email decisions as well as the relevant email submissions of the parties for the month of January 2020:

- **Annex 1:** Reclassification, dated 6 January 2020, 16:11;
- **Annex 2:** Al Hassan case - Observations on filing ICC-01/12-01/18-525-Conf-Exp, dated 6 January 2020, 13:51;
- **Annex 3:** Reclassification, dated 6 January 2020, 16:10;
- **Annex 4:** The Prosecutor v. Al Hassan: ICC-01/12-01/18-547-Conf-Exp + Conf-Exp-Anx-Registry's Report on the Implementation of the Decision on the Registrar's Request for Reconsideration, dated 6 January 2020, 14:19;
- **Annex 5:** Al Hassan case - Observations on filing ICC-01/12-01/18-525-Conf-Exp, dated 14 January 2020, 10:18;
- **Annex 6:** TC X - Shortening of deadline for responses to filing 552, dated 15 January 2020, 16:29;
- **Annex 7:** Decision confidential EX PARTE only available to the Defence and the Registry, dated 21 January 2020, 15:58
- **Annex 8:** Al Hassan: public redacted versions of filings related to ICC-01/12-01/18-542-Conf-Red, dated 23 January 2020 16:22;
- **Annex 9 :** Request for a reclassification of conf exp Annexes A, B, C and E of ICC-01/12-01/18-328-Conf-Exp, dated 24 January 2020, 14:14;
- **Annex 10:** Request for a reclassification of conf exp Annex I of ICC-01/12-01/18-145-Conf-Exp, dated 27 January 2020, 11:46;
- **Annex 11:** Al Hassan: public redacted versions of filings related to ICC-01/12-01/18-557-Conf-Exp, dated 27 January 2020, 12:45;
- **Annex 12:** Demande de pouvoir viser des filings condidentiels/secrets devant la TC VIII, dated 30 January 2020, 13:52; and

- **Annex 13:** Urgent Defence motion concerning insurance for non-medical evacuation caused by acts of war - ICC-01/12-01/18-570-Conf-Exp with confidential ex parte annexes A to C, dated 31 January 2020, 15:35.



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

Dated this 18 October 2021

At The Hague, The Netherlands