



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 2, 8 to 11 and 14 to 19

Confidential *EX PARTE* Annexes 1, 4 and 6 only available to the Defence and the Registry

Confidential *EX PARTE* Annex 3 only available to the Registry

Confidential *EX PARTE* Annex 5 only available to the Prosecution, the Defence and the Registry

Confidential *EX PARTE* Annexes 7 and 13 only available to the Defence

Confidential *EX PARTE* Annex 12 only available to the Prosecution

Confidential and confidential *EX PARTE* versions of Annexes of Registry Report on Email Decisions for the period February 2020, dated, 1 February 2021, ICC-01/12-01/18-1277

Source: Registry

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

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Legal Representatives of the Victims

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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

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Mr Nigel Verrill

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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 19 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 February 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
4. On 1 October 2020, the Chamber provided to the Registry the backlog of email decisions dated November 2019 until September 2020 included.⁶

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

² [Registry Quarterly Report on Email Decisions dated February 2020](#), ICC-01/12-01/18-1277, 1 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 1 February 2021, the Registry filed the public redacted version of the Registry Report on Email Decisions for the period February 2020.⁸

III. Level of classification

7. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, 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 19 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 month of February 2020:

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

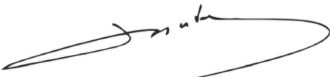
⁷ Trial Chamber X Decision by email to the Registry, see *supra* note 1.

⁸[Registry Quarterly Report on Email Decisions dated February 2020](#), see *supra* note 2.

- **Annex 1:** Al Hassan case - Proposed lesser redacted versions of transcripts in relation to filing ICC-01/12-01/18-549-Conf-Exp, Communications, dated 3 February 2020, 16:38;
- **Annex 2:** TC X - RE: Request for a reclassification of conf exp Annexes, dated 3 February 2020 12:50;
- **Annex 3:** Experts request to meet with Mr Al Hassan, dated 4 February 2020, 15:39;
- **Annex 4:** Experts request to meet with Mr Al Hassan, dated 7 February 2020, 10:40;
- **Annex 5:** Al Hassan: public redacted versions of filings related to ICC-01/12-01/18-557-Conf-Exp, dated 10 February 2020, 10:20;
- **Annex 6:** Al Hassan case - Observations on filing 583-Conf-Exp, dated 10 February 2020, 13:52;
- **Annex 7:** Redacted version/reclassification of Defence filing ICC-01/12-01/18-570-Conf-Exp, dated 12 February 2020, 16:30;
- **Annex 8:** Reclassification filing ICC-01/12-01/18-525-Conf-Exp, dated 12 February 2020, 13:42;
- **Annex 9:** TC X - Reclassification of decision ICC-01/12-01/18-560-Conf-Exp, dated 13 February 2020, 15:43;
- **Annex 10:** Reclassification filing ICC-01/12-01/18-586, dated 14 February 2020, 11:49;

- **Annex 11:** Reclassification filing ICC-01/12-01/18-586, dated 14 February 2020, 11:51;
- **Annex 12:** Inadvertent disclosure - P-0538, dated 14 February 2020, 14:07;
- **Annex 13:** Request for an ex parte hearing, dated 18 February 2020, 11:15;
- **Annex 14:** TC X - Single Judge decision on the procedure to be followed pursuant to Regulation 42 of the Regulations, dated 19 February 2020, 17:55;
- **Annex 15:** Submissions on the conduct of the proceedings, and the pending joint filing on the Contact Protocol, dated 20 February 2020, 09:12;
- **Annex 16:** Implementation of Decision ICC-01/12-01/18-586-Conf, dated 21 February 2020, 16:31;
- **Annex 17:** TC X - Shortening of deadline for responses to Prosecution Request 609-Conf, dated 24 February 2020, 12:00;
- **Annex 18:** TC X - Decision on Defence Request ICC-01/12-01/18-613, dated 25 February 2020, 14:33; and,

- **Annex 19:** Urgent request, dated 27 February 2020, 11:03.



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

Dated this 18 October 2021

At The Hague, The Netherlands