



Original : English

N°: ICC-01/12-01/18
Date: 22 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 to 5, 7 to 10, 12 and 14 to 15

Confidential *EX PARTE* Annex 6 only available to the Registry

Confidential *EX PARTE* Annex 11 only available to the Defence and the Registry

**Confidential *EX PARTE* Annex 13 only available to the Prosecution and the
Defence**

**Confidential and confidential *EX PARTE* versions of Annexes of Registry
Quarterly Report on Email Decisions dated August 2020, dated 5 February 2021,
ICC-01/12-01/18-1291**

Source: Registry

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

The Office of the Prosecutor

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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Mr Harry Tjonk

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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 15 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 August 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 August 2020](#), dated 5 February 2021, ICC-01/12-01/18-1291.

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 5 February 2021, the Registry filed the public redacted version of the Registry Quarterly Report on Email Decisions dated August 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 15 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 August 2020:

- **Annex 1:** TC X - Registry observations on LRVs request 973-Conf, 03 August 2020, 08:58;

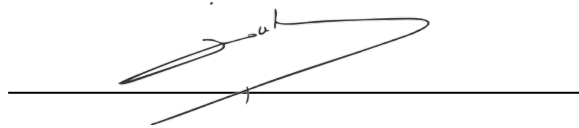
⁶ Fifteen emails sent by Trial Chamber X Communications to the Registry, dated 1 October 2020 containing all decisions by month.

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

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

- **Annex 2:** Witness P-0075, 04 August 2020, 13:09;
- **Annex 3:** Request to file after 4 pm [Reply to the “Prosecution Response to “Defence Request to terminate the proceedings], 07 August 2020, 11:42;
- **Annex 4:** Request to file after 4 pm, 10 August 2020, 12:17;
- **Annex 5:** Order on reclassification of filings, 10 August 2020, 12:46;
- **Annex 6:** Commencement of the trial in Al Hassan, 12 August 2020, 08:08;
- **Annex 7:** TC X - Decision on Prosecution's request seeking clarification of the Witness Preparation Protocol, 13 August 2020, 11:37;
- **Annex 8:** TC X - Order setting deadline for responses to Prosecution email of yesterday on Witness order, dated 14 August 2020, 07:17;
- **Annex 9:** TC X - Single Judge decision on the Prosecution proposed amended witness order, dated 14 August 2020, 13:05;
- **Annex 10:** Corrected version of 885-Conf-Red, dated 14 August 2020, 18:11;
- **Annex 11:** TC X - Single Judge decision on Defence request related to Detention visits, , dated 18 August 2020, 10:01;
- **Annex 12:** Order on reclassification of filings, dated 19 August 2020, 12:24;

- **Annex 13:** Al Hassan - eCourt Protocol (Status Conference Hearing), dated 21 August 2020, 12:35;
- **Annex 14:** CONFIDENTIAL - Updated list of witnesses for the Month of September 2020, , dated 26 August 2020, 13:26, and
- **Annex 15:** TC X - Order on reclassification of filing 933, dated 26 August 2020 14:06.

A handwritten signature in dark ink, appearing to read 'M. Dubuisson', is written over a horizontal line.

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

Dated this 22 October 2021

At The Hague, The Netherlands