

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/12-01/18

Date: 10 December 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

Public Redacted Version of “Registry’s Observations pursuant to the “Order setting timetable in relation to the restrictions on Mr Al Hassan’s contacts in detention”, 20 October 2021, ICC-01/12-01/18-1827” filed on 10 December 2021

Source: Registry

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

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**Unrepresented Applicants
(Participation/Reparation)**

Unrepresented Victims

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Victims**

**The Office of the Public Counsel for the
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**Victims Participation and Reparations
Section Other**

I. Introduction

1. Pursuant to the “Order setting timetable in relation to the restrictions on Mr Al Hassan’s contacts in detention”,¹ issued by Trial Chamber X (“Chamber”) on 20 October 2021 in the case of *The Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, the Registry hereby submits the following observations in relation to the currently ongoing restrictions on Mr Al Hassan’s contacts.²

II. Procedural history

2. On 11 June 2020, the Chamber issued the “Decision on the measures restricting Mr Al Hassan’s contacts while in detention” (“11 June 2020 Decision”)³ ordering the restrictions on Mr Al Hassan’s contacts to be: [REDACTED]⁴, [REDACTED].⁵

III. Classification

3. In accordance with regulation 23 *bis*(2) of the Regulations of the Court (“RoC”), the present observations are classified as confidential as: (a) they refer to decisions of the same level of classification; (b) provide confidential information on procedures internal to the Registry and; (c) provide information on the Mr Al Hassan’s private life. The Registry will file simultaneously a public redacted version of the present observations.

IV. Applicable law

4. For the purpose of the present observations, the Registry has considered, *inter alia*, article 43(6) of the Rome Statute, regulations 90, 99(1)(i), 100 and 101 of the RoC, and regulations 173, 174, 175, 177, 179, 180, 183, 184 and 185 of the Regulations of the Registry (“RoR”).

¹ Trial Chamber X, “Order setting timetable in relation to the restrictions on Mr Al Hassan’s contacts in detention”, 20 October 2021, ICC-01/12-01/18-1827.

² *Ibid*, paras. 1, 3.

³ Trial Chamber X, “Decision on the measures restricting Mr Al Hassan’s contacts while in detention”, (“11 June 2020 Decision”), 11 June 2021, ICC-01/12-01/18-871-Conf-Red3.

⁴ Trial Chamber X, “Decision on Defence request for exceptional variation of detention conditions”, 26 July 2021, ICC-01/12-01/18-1611-Conf, para. 12.

⁵ Trial Chamber X, 11 June 2020 Decision, paras. 42-49.

V. Submissions

5. The Registry provides its observations regarding a) the implementation of the restrictions on contacts for Mr Al Hassan, and b) the impact of the monitoring regime on [REDACTED].

A) Implementation of restrictions on contact measures

6. The Registry considers that the current orders and monitoring regime applicable to Mr Al Hassan are clear. The Registry does not have challenges to regularly report on the implementation of the current restrictions on contacts.
7. For recollection, in the 11 June 2020 Decision, the Chamber decided to amend the reporting procedure.⁶ Since the last quarterly report submitted by the Registry on the implementation of the restrictions on contacts for Mr Al Hassan,⁷ the Registry has no incident to report.
8. Pursuant to regulation 90(2) of the RoC, the Acting Chief Custody Officer (“Acting CCO”) within the Detention Section (“DS”) is delegated with the task of implementing the active monitoring measures within the Registry. The Acting CCO considers that Mr Al Hassan is clear in his speech, including when mentioning any third parties. His conversations are [REDACTED] and he talks to a limited number of individuals. He also appears to have a solid understanding and respect for the restrictions measures and does not hesitate to inform his interlocutors of the restrictions, if necessary.
9. [REDACTED],⁸ [REDACTED].⁹ [REDACTED].

⁶ Trial Chamber X, 11 June 2020 Decision, para. 60.

⁷ [REDACTED].

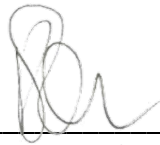
⁸ [REDACTED].

⁹ *Ibid.*

B) Impact of the monitoring regime on [REDACTED]

10. [REDACTED].

11. [REDACTED].¹⁰ [REDACTED].¹¹ [REDACTED].



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

Dated this 10 December 2021

At The Hague, the Netherlands

¹⁰ [REDACTED].

¹¹ [REDACTED].