

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/12-01/18**
Date: **15 December 2021**

TRIAL CHAMBER

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

Defence Notice of Intention to Call Evidence

Source: Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

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

The Office of the Prosecutor

Karim A. A. Khan QC
James Stewart
Gilles Dutertre

Counsel for the Defence

Melinda Taylor
Kirsty Sutherland

Legal Representatives of the Victims

Seydou Doumbia
Mayombo Kassongo
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

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and
Reparations Section**

Other

1. Pursuant to Trial Chamber X's *Fifth Decision on matters related to the conduct of proceedings: presentation of evidence by the LRVs and Defence*,¹ the Defence for Mr Al Hassan hereby submits its Notice of intention to call evidence and Notice of Mr Al Hassan's intention to exercise his right under Article 67(1)(h) of the Statute to make an unsworn oral or written statement.

Notice of Intention to Call Evidence

2. The Defence hereby notifies the Chamber of its intention to call evidence.
3. The Defence respectfully notes the Chamber's related instruction to submit by 15 December 2021 a provisional list of witnesses and an estimate of how many hours of witness examination it will require.
4. Since the Prosecution's case is still ongoing, including a number of pending substantial Rule 68 requests and related appellate proceedings, and as forecast by the Chamber,² it is not possible for the Defence to provide estimates at this stage.
5. The Defence is not yet in a position to provide a provisional list of witnesses and a time estimate for the following reasons: (i) the identification of and time-consuming process of appointment of expert witnesses is ongoing but not yet complete; (ii) while the Defence's ability to investigate has been severely impacted by the COVID-19 pandemic and the trial schedule, the Defence is currently using the winter judicial recess to conduct necessary preparations including verifying the willingness and ability of proposed witnesses to testify; (iii) during this process, the Defence needs to obtain detailed instructions before determining whether to call specific individuals as witnesses.

¹ ICC-01/12-01/18-1756, paras 9 and 10.

² ICC-01/12-01/18-1756, para. 10.

**Notice of Mr Al Hassan's Intention to Exercise his Right under Article 67(1)(h)
of the Statute to Make an Unsworn Oral or Written Statement**

6. While Mr Al Hassan has yet to make a final decision in this regard, the Defence hereby notifies the Chamber that Mr Al Hassan will likely exercise his Article 67(1)(h) right to make an unsworn oral or written statement at the conclusion of the Defence case.



Melinda Taylor
Counsel for Mr Al Hassan

Dated this 15th Day of December 2021
At The Hague, The Netherlands