

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **5 September 2022**

TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mbe Mindua, Presiding
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

**Prosecution's request for clarification regarding the Sixth decision on matters
related to the conduct of proceedings**

Source: Office of the Prosecutor

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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I. Introduction

1. On 29 August 2012 Trial Chamber X (“Chamber”) issued the ‘Sixth decision on matters related to the conduct of proceedings: end of Defence case, potential rebuttal/rejoinder evidence, and closure of evidence’¹ (“Decision”).
2. In this Decision the Chamber instructed the parties and participants that the final brief of the Prosecution and the Defence “shall” be drafted in English,² while the brief of the participants “may” be drafted in French.³

II. Submissions

3. While the Prosecution does intend to draft the final brief in English, the Prosecution would like confirmation from the Chamber that, in keeping with Article 50 (2) of the Rome Statute, this does not limit the Office of the Prosecutor (“OTP”) latitude to use either working language of the Court as it has done in the course of the present case.
4. In particular, Mali is a francophone country, a part of the documentary evidence is in French, and 29 Witnesses have thus far testified in French before the Chamber.⁴ Additionally, many team members of the Mali Prosecution team are francophone and there are various other constraints weighing on the Office of the Prosecutor (“OTP”), including resource constraints of its Language Services Unit.

¹ ICC-01/12-01/18-2308.

² *Id.*, p. 6, par. 12 (i).

³ *Id.*, p. 6, par. 12 (ii).

⁴ Including Prosecution Witnesses P-0099, P-1086, P-0620 and P-0610 as well as Defence Witness D-0240 and D-0272.

III. Conclusion

5. For the reasons set out above, the Prosecution requests clarification that the language used in paragraph 12 of the Decision would not impair the Prosecution's possibility to work in one or the other working language of the Court as provided in article 50 (2) of the Rome Statute.



Karim A. A. Khan QC, Prosecutor

Dated this 5th day of September 2022

At The Hague, The Netherlands