



Original: **English**

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

Date: **6 May 2020**

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
With one public annex and two confidential annexes**

Decision on the conduct of proceedings

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart

Counsel for the Defence

Melinda Taylor
Marie-Hélène Proulx
Thomas Hannis

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

Trial Chamber X of the International Criminal Court, in the case of *The Prosecutor Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, having regard to Articles 64(2), (6)(d) and (f) and (8)(b), 67(1)(e) and (h), 68(2) and (3) and 69 of the Rome Statute (the ‘Statute’), Rules 68, 87(3)(a) and (e), 88(5), 91, 134(1) and 140(1) of the Rules of Procedure and Evidence (the ‘Rules’), Regulations 43 and 56 of the Regulations of the Court (the ‘Regulations’), and Regulation 94(d), (e) and (g) of the Regulations of the Registry, issues the following ‘Decision on the conduct of proceedings’.

I. BACKGROUND

1. On 28 January 2020, the Chamber invited the Office of the Prosecutor (the ‘Prosecution’), the Defence, and the Legal Representatives of Victims (the ‘LRVs’) to submit observations on matters relevant to the conduct of proceedings, including on a set of items identified by the Chamber, by 27 February 2020.¹
2. On 20 February 2020, the Chamber granted the parties and participants an extension of the page limit for their submissions on the conduct of proceedings to 35 pages, and allowed them to file them by 28 February 2020.²
3. On 28 February 2020, the Chamber received observations from the Prosecution,³ Defence,⁴ and LRVs.⁵
4. On 29 April, the Chamber issued an order for the parties, participants and the Registry to discuss and submit joint proposals on the organisation of the trial proceedings in light of the current COVID-19 measures.⁶

¹ [Order setting deadline for observations on the conduct of proceedings](#), ICC-01/12-01/18-566.

² Email from the Chamber to parties and participants, 20 February, at 9:12.

³ [Prosecution observations on conduct of proceedings](#), ICC-01/12-01/18-615 (the ‘Prosecution Submissions’).

⁴ Defence observations on the conduct of proceedings, ICC-01/12-01/18-618-Conf (the ‘Defence Submissions’) with confidential Annexes A, B and C. A [public redacted version](#) was filed on 3 March 2020, ICC-01/12-01/18-618-Red.

⁵ [Observations des victimes sur la conduite du procès et sur des questions connexes](#), ICC-01/12-01/18-619.

II. DIRECTIONS

5. The present decision constitutes the Chamber's directions on the conduct of the proceedings. In issuing this Decision, the Chamber has considered all observations of the parties and participants, notably the broad agreement they have reached on a number of matters. The Chamber took the latter into consideration, but did not see the need to systematically discuss the parties' proposals or submissions.⁷ It has also had regard to the practice of other Trial Chambers of this Court.

6. Issues left unaddressed in the present decision and which require intervention from the Chamber will be dealt with in the course of the trial. In this regard, the Chamber notably refers to issues related to the scheduling of witnesses which the Chamber considers it will be more equipped to assess after it receives detailed and updated information on the projected situation in the Host State and in Mali in terms of the COVID-19 measures in the coming months.

⁶ [Order to provide information on methods of work to minimise the impact of COVID-19 and related measures on the conduct of proceedings](#), ICC-01/12-01/18-776.

⁷ Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, [Initial Directions on the Conduct of Proceedings](#), 13 July 2016, ICC-02/04-01/15-497, fn. 2.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

ADOPTS the directions on the conduct of proceedings contained in Annex A to this decision; and

ISSUES a self-contained set of charges, contained in Annexes B and C to the present decision, to be read pursuant to Article 64(8) of the Statute.

Done in both English and French, the English version being authoritative.



Judge Antoine Kesia-Mbe Mindua
Presiding Judge



Judge Tomoko Akane



Judge Kimberly Prost

Dated this Wednesday, 6 May 2020

At The Hague, The Netherlands