



Original: English

**No. ICC-01/12-01/18
Date: 4 September 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

Third decision on matters related to 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
Nicoletta Montefusco

Legal Representatives of Victims

Seydou Doumbia
Mayombo Kassongo
Fidel Luvengika Nsita

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

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

Esteban Peralta Losilla

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 v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, having regard to Articles 64(7) and 67(1) of the Rome Statute (the ‘Statute’) and Rule 140 of the Rules of Procedure and Evidence (the ‘Rules’), issues the following ‘Third decision on matters related to the conduct of proceedings’.

I. Procedural history

1. On 6 May 2020, the Chamber issued its ‘Decision on the conduct of proceedings’, in which it provided directions on the conduct of proceedings pursuant to Rule 140 of the Rules, while postponing its determination on issues such as the scheduling of witnesses.¹
2. On 19 August 2020, the Chamber rendered a ‘Supplemental decision on matters related to the conduct of proceedings’.²

II. Directions

A. Email decisions

3. The Chamber notes 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. The Chamber therefore directs the Registry to file all email decisions³ on the case record in quarterly reports starting on **1 October 2020**.

¹ [Decision on the conduct of proceedings](#), ICC-01/12-01/18-789 (with Annex A and confidential Annexes B and C).

² [ICC-01/12-01/18-1004](#).

³ Chamber’s emails relating to the submission of evidence should not be part of these quarterly reports as these emails are put on the record by way of a separate procedure set out below (*see* paragraph 34(vi) of the [Directions on the conduct of proceedings](#), 6 May 2020, ICC-01/12-01/18-789-AnxA).

5. To assist in this process, the parties and participants, with the assistance of the Registry as appropriate, shall set up group email addresses to be used when exchanging email submissions. The Registry shall also set up a dedicated inbox to receive email decisions and facilitate their compilation in view of their subsequent publication.
6. Parties and participants are also instructed to frame their email submissions in a way that makes their publication possible. In exceptional circumstances, when emails cannot be made public at all, the sender shall indicate this clearly in the email. Further, the Registry is instructed to apply the following redactions: i) names of Chambers staff members, where applicable; ii) names of Registry staff members, if deemed necessary by the Registry; and iii) any personal email address or other private or personal information. The Registry shall consult the parties and participants on the redactions applied. In case of disagreement, the Chamber will rule.
7. The Chamber will provide the Registry with the email decisions issued up to this day so that they can be put on the case record. Going forward, the Chamber will copy the aforesaid Registry's dedicated inbox in any email decision to be published.

B. Formal submission of evidence

8. In relation to formal requests for the submission of evidence used during a hearing, and pursuant to paragraph 34 (ii) to (v) of the Directions on the Conduct of Proceedings,⁴ the Chamber will issue an email decision identifying the items recognised as being formally submitted evidence.
9. Pursuant to paragraph 34 (vi) of the Directions on the Conduct of Proceedings,⁵ the Registry shall submit a filing per witness comprising a cover filing and an Annex. The cover filing shall contain the list of the items considered formally submitted by the Chamber, with their evidence reference numbers (the 'ERN'). In the Annex, the Registry shall include the above email decision of the

⁴ [Directions on the conduct of proceedings](#), 6 May 2020, ICC-01/12-01/18-789-AnxA.

⁵ [Directions on the conduct of proceedings](#), 6 May 2020, ICC-01/12-01/18-789-AnxA.

Chamber which will contain also any relevant email submissions of the parties. The Annex will be redacted as indicated above for email decisions.

C. In-court redactions

10. Having considered the measures required to ensure the safety of all persons involved in the context of the COVID-19 pandemic, the Chamber finds it appropriate to adjust its Directions on the conduct of proceedings with regard to in-court redaction orders.⁶ In order to limit as much as possible the handling of hard copy of documents, and in the case of urgent redaction requests to be implemented during the course of a hearing, the Chamber will only issue a ruling if there is an objection from one of the parties or participants. In order to allow for a quick implementation within the 30-minute timeframe, any redaction request shall be made within 10 minutes after the information at issue was revealed and any objection, within the following 10 minutes.
11. Pursuant to the above, and in the absence of any objection, the Registry is directed to implement the redaction as requested by the parties and participants. The Chamber however emphasises that this instruction is without prejudice to subsequent review in the context of the preparation of lesser redacted versions of public transcripts.

⁶ [Directions on the conduct of proceedings](#), 6 May 2020, ICC-01/12-01/18-789-AnxA, para. 87. The original direction was as follows: ‘These orders will be issued by the Presiding Judge during the course of a hearing, or immediately after, notably on the basis of the parties’ or participants’ request pursuant to Regulation 21(8) of the Regulations of the Court. Any such requests must be formulated via email, clearly identifying the word(s) to be redacted and the corresponding timestamps of the real time transcript, and be made as soon as possible, copying all parties and participants, and no later than 20 minutes after the information at issue was revealed’.

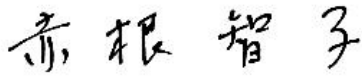
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

ADOPTS the aforementioned third set of directions on the conduct of proceedings.

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 Friday, 4 September 2020

At The Hague, The Netherlands