



Original : English

N°: ICC-01/12-01/18  
Date: 04 February 2021

**TRIAL CHAMBER X**

**Before:** Judge Antoine Kesia-Mbe Mindua, Presiding Judge  
Judge Tomoko Akane  
Judge Kimberly Prost

**SITUATION IN MALI**

**IN THE CASE OF**  
***THE PROSECUTOR v. c. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG***  
***MAHMOUD***

**Public**

**With public redacted Annexes 1 to 14**

**Registry Report on Email Decisions for the period November and December 2019**

**Source : Registry**

**The Office of the Prosecutor**

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**Counsel for Al Hassan**

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**Legal Representatives of the Victims**

Mr Seydou Doumbia

Mr Mayombo Kassongo

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**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**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section****Deputy Registrar****Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations  
Section****Other**

## I. Introduction

1. The Registry hereby submits the present report and its annexes 1 to 14 consisting of email decisions ("Report") pursuant to the "Third decision on matters related to the conduct of proceedings" ("Third Decision"),<sup>1</sup> issued on 4 September 2020 by Trial Chamber X ("Chamber").

## II. Procedural History

2. On 4 September 2020, the Chamber issued the Third Decision in which it stated 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.*"<sup>2</sup>
3. The Chamber further directed the Registry to file all email decisions on the case record in quarterly reports ("Quarterly Reports") starting on 1 October 2020<sup>3</sup> and provided criteria for the application of redactions to these email decisions.<sup>4</sup>
4. The Chamber also clarified in the Third Decision that emails related to the submission of evidence should not be part of the Quarterly Reports as these emails are put on the record by way of a separate procedure.<sup>5</sup>

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<sup>1</sup> Trial Chamber X, Third decision on matters related to the conduct of proceedings, [ICC-01/12-01/18-1040](#), 4 September 2020.

<sup>2</sup> *Ibid.*, para. 3.

<sup>3</sup> *Ibid.*, para. 4. This applies to all email decisions issued by Trial Chamber X from 01 October 2020 onwards.

<sup>4</sup> See *supra* note 1 ; para. 5.

<sup>5</sup> See *supra* note 1, footnote 3 of the Decision.

5. Additionally the Chamber noted that it would provide the Registry with the email decisions issued up to the date of the Third Decision (“Backlog email decisions”) so that they can be registered in the case record.<sup>6</sup>
6. On 1 October 2020, the Chamber provided to the Court Management Section of the Registry (“CMS”) the Backlog email decisions for filing on the case record.<sup>7</sup>
7. The Registry will therefore file the Backlog email decisions in monthly reports containing the email decisions of the Chamber for the respective month.<sup>8</sup>

### **III. Applicable Law**

8. For the purpose of the present submission, the Registry has considered articles 64(7) and 67(1) of the Rome Statute and rule 140 of the Rules of Procedure and Evidence.

### **IV. Submission**

9. In order to enable the parties and participants to suggest redactions, the Registry followed the procedure that was adopted for the purposes of the Report. Therefore, on 11 and 14 December 2020 the Registry followed a consultation process with the parties and participants in relation to annexes numbered 1 to 14 for the period of November-December 2019. During this consultation the Registry requested the parties and participants to provide the agreed redacted annexes by 8 January 2021 and further recalled that any disagreements or objections on specific redactions should be directly

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<sup>6</sup> See *supra* 1 note , para.7.

<sup>7</sup> Fifteen emails sent by the Chamber to the Registry CMS dated 1<sup>st</sup> October 2020 containing all decisions by month from November 2019 to September 2020.

<sup>8</sup> The Single Judge granted the Registry’s request by email to extend the deadline from 01 January 2021 to 01 February 2021 – See Single Judge’s Decision by email dated 23 November 2020, 17h55.

addressed to the Chamber by the parties and participants with the Court Officers in copy.<sup>9</sup>

10. From 11 December 2020 onwards the parties and participants have reverted to the Registry with their proposals.<sup>10</sup>

11. On 1<sup>st</sup> February 2021, the Registry requested the Chamber to rule on contested redactions to be implemented on annex 12,<sup>11</sup> after consultation with the Defence.

12. The same day, the Chamber ruled on the proposed redactions.<sup>12</sup>

13. The Registry therefore hereby attaches annexes 1 to 14 to the present Report, containing the Chamber's email decisions as well as the relevant email submissions of the parties redacted as appropriate for the month of November-December 2019:

- **Annex 1:** Al Hassan: Decision on discrete disclosure requests following Defence contact with four individuals dated 26 November 2019, 12:55.
- **Annex 2:** TC X - Reclassification of Defence ex parte filing ICC-01/12-01/18-519-Conf-Exp-AnxA, dated 9 December 2019, 17:35.
- **Annex 3:** Filing 520-Conf-Exp, dated 13 December 2019, 15:53.
- **Annex 4:** Mr. Al Hassan's presence at the upcoming status conference, dated 11 December 2019, 8:52.

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<sup>9</sup> Emails sent by the Registry CMS Court Officer to the parties and participants and to different sections of the Registry dated Friday 11 December 2020.

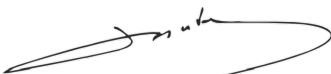
<sup>10</sup> Different sections within the Registry were also consulted where appropriate and provided their feedback.

<sup>11</sup> Email sent by the Registry on 1<sup>st</sup> February 2021 13:10

<sup>12</sup> Chamber's decision by email dated 1<sup>st</sup> February 2021, 16:47

- **Annex 5:** URGENT - Préoccupations sur la représentation légale des victimes, dated 12 December 2019, 09:28.
- **Annex 6:** Shortening of deadline to respond to filing ICC-01/12-01/18-527, dated 12 December 11:38.
- **Annex 7:** Suspension of time limits during the judicial recess, dated 12 December 2019, 15:22.
- **Annex 8 :** Decision of the Chamber on filing ICC-01/12-01/18-527, dated 12 December 2019, 17:24.
- **Annex 9 :** TC X - Decision on Defence request seeking reclassification of ICC-01/12-01/18-527-Conf-Exp, dated 17 December 2019, 14:46.
- **Annex 10:** TC X - Implementation of Trial chamber X decision ICC-01/12-01/18-533-Conf-Exp -disclosure of medical records, dated 19 December 2019 10:51.
- **Annex 11:** Al Hassan case - Observations on filing ICC-01/12-01/18-525-Conf-Exp, dated 19 December 2019, 17:20.
- **Annex 12:** Medical records, dated 23 December 2019, 10:53.
- **Annex 13:** Urgent - Demande de rencontres privilégiées avec expert, dated 23 December 2019, 11:01.

- **Annex 14:** Trial Chamber X - Al Hassan: order to the Prosecution to file confidential redacted version of ICC-01/12-01/18-518-Conf-Exp, dated 06 December 2019, 16:45.



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

Dated this 04 February 2021

At The Hague, The Netherlands