



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 6, 8 to 13, 15 to 19 and annex 21

Registry Quarterly Report on Email Decisions dated June 2020

Source : Registry

The Office of the Prosecutor

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Defence****States' Representatives****Amicus Curiae****REGISTRY**

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 6, 8 to 13, 15 to 19 and annex 21 consisting of email decisions (“Report”) pursuant to the “Third decision on matters related to the conduct of proceedings” (“Third Decision”),¹ 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.*”²
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 2020³ and provided criteria for the application of redactions to these email decisions.⁴
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.⁵

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

² *Ibid.*, para. 3.

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

⁴ See *supra* note 1 ; para. 5.

⁵ 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.⁶
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.⁷
7. The Registry will therefore file the Backlog email decisions in monthly reports containing the email decisions of the Chamber for the respective month.⁸

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 21 for the period of June 2020. 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

⁶ See *supra* 1 note , para.7.

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

⁸ 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.

objections on specific redactions should be directly addressed to the Chamber by the parties and participants with the Court Officers in copy.⁹

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

11. On 19 January 2021, the Defence requested the Chamber to maintain the classification level of several email decisions.¹¹

12. On 20 January 2021¹², the Single Judge granted the Defence's request to maintain the classification of annexes 7, 14 and 20 and not to file a public redacted version on the case record.¹³

13. The Registry therefore hereby attaches annexes 1 to 6, 8 to 13, 15 to 19 and 21 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 June 2020.

- **Annex 1:** rule 68(3) filings and expert qualification: demande de déposer certains mémoires après 4 heures, dated 01 June 2020, 08:37.
- **Annex 2:** TC X - Reclassification of decision ICC-01/12-01/18-833-Conf, dated 02 June 2020, 11:19.
- **Annex 3:** Prosecution's urgent request for an extension of the page limit for regulation 55(2) application - shortening of deadline for responses, dated 08 June 2020, 12:02.

⁹ 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.

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

¹¹ Email sent by the Defence to Trial Chamber X dated 19 January 2021, 18:41.

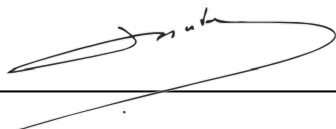
¹² Single Judge's decision by email dated 20 January 2021, 11h41.

¹³ The Registry will file the unredacted version of all Decisions issued by email in compliance with the Single Judge's instructions by email to Registry CMS, dated 18 January 2021, 10:22.

- **Annex 4:** Defence request for extension of deadline (filing 866-Conf), dated 08 June 2020, 13:46.
- **Annex 5:** Request for guidance, dated 09 June 2020, 17:05.
- **Annex 6:** TC X - Instruction on the provision of a Registry report in response to Defence observations 870, dated 11 June 2020, 11:30.
- **Annex 8:** Defence observations on the form of the charges, dated 12 June 2020, 16:06.
- **Annex 9:** Request to file after 4 pm [termination request], dated 16 June 2020, 12:48.
- **Annex 10:** Demande de Clarification, dated 17 June 2020, 11:19.
- **Annex 11:** Request to file after 4 pm, dated 19 June 2020, 15:57.
- **Annex 12:** Request to file after 4 pm [Response to the Prosecution's Rule 68 requests and witnesses requests], dated 22 June 2020, 13:40.
- **Annex 13:** Request for an extension of the page limit [Response to the Prosecution expert witnesses requests], dated 22 June 2020, 16:55.
- **Annex 15:** Decision on Defence Request for Leave to Reply of 24 June 2020, dated 24 June 2020, 18:25.
- **Annex 16:** Order re-classifying ICC-01/12-01/18-905-Conf-Exp and ICC-01/12-01/18-899-Conf-Exp, dated 26 June 2020, 09:45.
- **Annex 17:** Courtesy copy of "Prosecution's urgent request to strike Conf. Annex B to the Defence Request to terminate the proceedings,

and request for extensions of the page and time limits to respond to the Defence Request", dated 26 June 2020, 10:31.

- **Annex 18:** TC X - Shortening of deadline for responses to ICC-01/12-01/18-889-Conf, dated 26 June 2020, 11:53.
- **Annex 19:** Decision granting urgent request for reclassification of ICC-01/12-01/18-885-Corr-Red, dated 29 June 2020, 14:11.
- **Annex 21:** TC X - Shortening of deadline for responses to ICC-01/12-01/18-912-Conf-Exp, dated 30 June 2020, 13:33.



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

Dated this 04 February 2021

At The Hague, The Netherlands