

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-01/12-01/18
Date: 8 February 2023**

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

Seventh decision on matters related to the conduct of proceedings: closing briefs

To be notified in accordance with Regulation 31 of the *Regulations of the Court* to:**The Office of the Prosecutor**

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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 Rule 140 of the Rules of Procedure and Evidence, issues the following ‘Seventh decision on matters related to the conduct of proceedings: closing briefs’.

1. On 29 August 2022, the Chamber issued its ‘Sixth decision on matters related to the conduct of proceedings: end of Defence case, potential rebuttal/rejoinder evidence, and closure of evidence’ (the ‘Sixth Directions’) in which it, *inter alia*, set deadlines and page limits concerning the submission of closing briefs.¹
2. On 31 January 2023, the Office of the Prosecutor (the ‘Prosecution’) requested, by way of email, clarifications as to whether the table of contents should be counted as part of the page limit for closing briefs (the ‘Request’).²
3. With respect to the Request, the Chamber confirms that the table of contents need not be counted as part of the 120/200-page limit for the closing briefs nor the 25/50-page limit for the responses.
4. The Chamber also notes the Prosecution’s indication that it will annex two tables to its brief: (i) a table concerning judgments of the Islamic tribunal in which the Prosecution intends to list the ERNs of different versions and translations as well as to sort them in chronological order and by type of cases; and (ii) a table concerning reports of the Islamic police in which the Prosecution intends to list the ERNs of the reports, indicate if they are signed and, if necessary, list the ERNs of corresponding referrals to the Islamic tribunal and its judgments.
5. The Chamber welcomes this proposal as it considers that such tables would indeed assist the Chamber in the drafting of the Judgment. In relation to the first table mentioned above, the Prosecution is also instructed to indicate, in an additional and separate column, the Gregorian calendar date of each document.

¹ ICC-01/12-01/18-2308, paras 11-12.

² Email dated 31 January 2023 at 13:52.

6. Further, the Chamber also instructs the Prosecution to annex the following maps to its closing brief:

A. a single map of Timbuktu showing, *inter alia*, the following locations:³

- i. Different banks and their names;
- ii. Different markets and squares and their names, including *Place Sankoré* and *Place de l'Indépendance*;
- iii. *Télécentre*;
- iv. *Gouvernorat* (also identifying the different buildings it designates);
- v. *Hôtel La Maison*;
- vi. *Hôtel Bouctou*;
- vii. *Hôtel Azalai*;
- viii. Former office/camp of the Malian national guard;
- ix. Different detention centres; and
- x. Training centres allegedly created by Ansar Dine.

B. enlarged versions of the single map mentioned above on key locations, if necessary; and

C. a separate map indicating districts and neighbourhoods of Timbuktu.

7. The aforementioned annexes shall not be counted as part of the page limit of the brief. Should the Defence disagree with the exact position of the locations, it may annex similar maps to its closing brief, including an explanation of the disagreement, with references to the submitted evidence if necessary.

8. The Chamber recalls that the purpose of the closing briefs is to provide a summary of the parties and participants' views and arguments on the confirmed charges and the evidence presented at trial. Therefore, in order to fully assist the Chamber, the parties and participants are to ensure that their closing briefs point to the relevant evidence which support the arguments they assert.

³ The Chamber notes that a map containing some of the listed locations had been provided at the pre-trial stage. *See* Version amendée et corrigée du Document contenant les charges contre M. Al HASSAN Ag ABDOUL AZIZ Ag Mohamed Ag Mahmoud, 8 May 2019, ICC-01/12-01/18-335-Conf, ICC-01/12-01/18-335-Conf-Corr, p. 64.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

ADOPTS the aforementioned directions concerning 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 Wednesday, 8 February 2023

At The Hague, The Netherlands