



Original: English

N°: ICC-01/12-01/18

Date: 12 June 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
With Public Redacted Annex 1**

**Report on further implementation of the "Registry Report on Items Formally
Submitted - Witness MLI-OTP-P-1086" 2 November 2021, ICC-01/12-01/18-1868-
Conf**

Source: Registry

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

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**Unrepresented Applicants
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REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits with the present report and its public redacted annex consisting of items recognized as formally submitted for witness MLI-OTP-P-1086, pursuant to the “Decision on the conduct of Proceedings” (“Decision”),¹ issued on 6 May 2020 and to the “Third decision on matters related to the conduct of proceedings” (“Third Decision”),² issued on 4 September 2020 by Trial Chamber X (“Chamber”).

II. Procedural History

2. On 6 May 2020, the Chamber issued its Decision in which it directed the Registry to: “[...] reflect all formally submitted items in the eCourt metadata [...]”, and to “[...] submit reports for each witness who testifies, indicating which items have been formally submitted by the parties and participants in relation to that witness. The email exchanges [...] are to be annexed to this filing, applying redactions as appropriate.”³
3. On 4 September 2020, the Chamber issued its Third Decision which further established that:

“8. [i]n 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, the Chamber will issue an email decision identifying the items recognised as being formally submitted evidence.

¹ Trial Chamber X, Annex A of the Decision on the conduct of proceedings, [ICC-01/12-01/18-789-AnxA](#), 6 May 2020.

² Trial Chamber X, Third decision on matters related to the conduct of proceedings, [ICC-01/12-01/18-1040](#), 4 September 2020.

³ See note 1, above, para. 34(vi).

9. Pursuant to paragraph 34 (vi) of the Directions on the Conduct of Proceedings, 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 Chamber which will contain also any relevant email submissions of the parties. The Annex will be redacted as indicated above for email decisions."⁴

4. On 2 September 2021, the Chamber communicated by email its decision ("2 September 2021 Decision") on material recognized as being formally submitted for P-1086.⁵

III. Submissions

5. In order to enable the parties and participants to suggest redactions, the Registry followed the procedure specified in paragraph 6 of the Third Decision. Therefore, on 19 November 2021 the Registry initiated the consultation process with the parties and participants requesting them to provide the agreed redacted annexes and further recalling that any disagreements or objections on specific redactions should be directly addressed to the Chamber with the Court Officers in copy.
6. On 23 June 2022, the Single Judge instructed the Registry to proceed with the filing of the Quarterly Report, submitting in the public record of the case the redacted versions of the email decisions annexed to the various Registry

⁴ See note 2, above, paras. 8-9.

⁵ Trial Chamber X, Decision on submitted material for P-1086, email sent by the Chamber's Legal Officer to the parties, participants and to the Registry, 2 September 2021 at 08:20.

Reports as Annex I.⁶ In addition, the Single Judge provided complementary guidance on the redaction of particular annexes,⁷ and instructed the Prosecution to provide its proposals for additional redactions to various other annexes by 22 July 2022.⁸

7. The Registry hereby attaches one redacted annex to the present submissions and submits the following list of ERNs recognized as formally submitted pursuant to the Chamber's 2 September 2021 Decision:

Items submitted by the Prosecution:

ERN:

There were no items submitted.

Items submitted by the Defence for Mr. Al Hassan:

ERN:

MLI-D28-0003-0442

MLI-D28-0005-6489

MLI-D28-0005-6490

MLI-D28-0005-6493

MLI-D28-0005-6491

⁶ TC X: Single Judge directions concerning public redacted versions of the annexes to the Registry reports on submitted items, email sent from Trial Chamber X to the parties, participants and to the Registry, 23 June 2022 at 13:38.

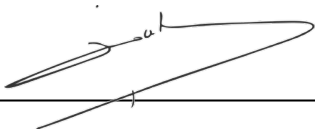
⁷ Annexes 1631-Conf-AnxI, 1652-Conf-AnxI, 1638-Conf-AnxI, 1633-Conf-AnxI, and 1619-Conf-AnxI.

⁸ Annexes 1866-Conf, 1867-Conf, 1868-Conf, 1869-Conf, 1870-Conf, 1871-Conf, and 1872-Conf.

Proposals were received on 20 July 2022.

8. The Registry hereby annexes to the present filing the Chamber's 2 September 2021 Decision:

- **Annex 1:** email from the Chamber dated 2 September 2021 at 08.20 together with the relevant email submissions of the parties.



Marc Dubuisson
Director, Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 12 June 2023

At The Hague, The Netherlands