



Original: English

**No. ICC-01/12-01/18
Date: 26 November 2019**

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

Order Scheduling First Status Conference

Order 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
Marie-Hélène Proulx

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

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Other

TRIAL CHAMBER X ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, issues this 'Order scheduling First Status Conference.'

1. In order to set the date of the trial, the Chamber convenes a status conference on 12 December 2019, pursuant to Rule 132(1) of the Rules of Procedure and Evidence ('Rules'). If required, the Chamber may decide to address remaining agenda items during a morning session on 13 December 2019.
2. In order to facilitate the preparation of this status conference and noting Regulation 54 of the Regulations of the Court, the Chamber seeks submissions from the parties on the potential agenda items listed below. The Chamber notes that this list is without prejudice to whether or how it will address these matters during the trial.
3. Submissions are sought on the following items:
 - A. Commencement date of the trial. In this respect, the Chamber notes that it is inclined to commence this trial before the summer recess.
 - B. Anticipated evidence. This item is primarily addressed to the Prosecutor. The Defence is not obliged to provide this information at this time unless it wishes to do so.
 - (1) Estimated number of witnesses to be called and number of hours of in-court testimony;
 - (2) Use of expert witnesses;
 - (3) Testimony given by audio or video link;
 - (4) Estimated volume of documentary and other non-testimonial evidence to be relied upon at trial;
 - (5) Use of Rule 68 of the Rules.
 - C. Agreed facts under Rule 69 of the Rules.
 - D. Transcription and translation at trial: languages to be used by the parties, participants, and the witnesses the parties intend to call.

E. Disclosure of outstanding material in the Prosecution's possession and related issues:

- (1) Whether the Prosecution's investigations are still ongoing;
- (2) Timing and volume of disclosure of outstanding evidence pursuant to Article 67(2) of the Rome Statute ('Statute') and Rules 76 and 77 of the Rules;
- (3) Transcription and translation issues;
- (4) Protective measures of witnesses (including additional need for redactions, delayed disclosure or referrals to the Court's witness protection programme);
- (5) Disclosure of witnesses' identities which have been withheld from the Defence;
- (6) Disclosure of material obtained pursuant to Article 54(3)(e) of the Statute.

F. Disclosure by the Defence, including whether the Defence intends to advance a defence in accordance with Rules 79 and 80 of the Rules.

G. Provision of a pre-trial brief by the Prosecutor.

H. Views on the need for additional protocols or amendments to the following existing protocols:

- (1) E-Court protocol;¹
- (2) Redactions protocol;²
- (3) Protocol on the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant.³

¹ Annex to the Décision relative au système de divulgation et à d'autres questions connexes, Protocole technique unifié de présentation sous forme électronique des éléments de preuve et des renseignements relatifs aux témoins et aux victimes («E-court Protocol»), 16 May 2018, ICC-01/12-01/18-31-Anx.

² Décision relative au système de divulgation et à d'autres questions connexes, 16 May 2018, ICC-01/12-01/18-31.

4. The Registry is ordered to make submissions on items D. and E. (4).
5. The parties and participants may express their wish to add further items to the list and indicate whether parts of the status conference should be held *ex parte*.
6. Should the parties and participants be of the view that any matters ought to be resolved before the status conference, they should bring these to the Chamber's attention promptly.

FOR THESE REASONS, THE CHAMBER HEREBY

CONVENES a status conference on 12 December 2019;

ORDERS the parties to provide submissions as set out above, by 6 December 2019.

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 Tuesday, 26 November 2019

At The Hague, The Netherlands

³ Annex to the Décision portant adoption d'un protocole relatif au traitement d'informations confidentielles lors d'enquêtes et de contacts entre une partie ou un participant et les témoins de la partie adverse ou d'un participant, 31 May 2018, ICC-01/12-01/18-40-Anx.