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N°: ICC-01/12-01/18
Date: 02 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 22 and Annexes 24 to 27

Registry Quarterly Report on Email Decisions dated March 2020

Source : Registry

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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

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 22 and 24 to 27 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 27 for the period of March 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 Prosecution requested the Chamber to maintain the classification of one email decision as secret.¹¹

12. On 20 January 2021¹², the Single Judge granted the Defence's request to maintain the classification of annex 23 and instructed the Registry to file it as secret noting in particular *"that the email decision related to decisions and other related material on the record with a 'secret' level of confidentiality"*.¹³

13. The Registry hereby attaches annexes 1 to 22 and 24 to 27 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 March 2020:

- **Annex 1:** Inadvertent disclosure, 03 March 2020 09:39.
- **Annex 2:** TC X - Instruction for VWU to provide complementary observations to Prosecution request ICC-01/12-01/18-638-Conf-Exp relating to Witness P-0114, 06 March 2020 17:40.
- **Annex 3:** TC X - Shortening of deadline for responses to Prosecution Request 627-Conf-Red, 06 March 2020 17:29.

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 Prosecution to Trial Chamber X dated 19 January 2021, 10:21

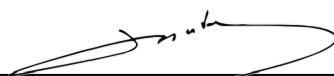
¹² Single Judge's decision by email dated 20 January 2021, 11h44

¹³ *Ibid.*

- **Annex 4:** TC X - Shortening of deadline for responses to Prosecution Request 628-Conf-Red, 09 March 2020 09:37.
- **Annex 5:** TC X - Reclassification of ICC-01/12-01/18-599-Conf-Exp, 10 March 2020 17:11.
- **Annex 6:** TC X - Decision on interim measure sought in relation to P-0121 in Prosecution request 645-Conf-Exp and related reclassification, dated 10 March 2020, 16:22.
- **Annex 7:** Déport d'un rapport sur la disclosure, 10 March 2020, 14:42.
- **Annex 8:** TC X - Reclassification of decisions on the case record (2), dated 12 March 2020, 16:39.
- **Annex 9 :** TC X - Reclassification of decisions on the case record, dated 12 March 2020, 16:33.
- **Annex 10:** TC X - Instruction for VWU to provide complementary observations to Prosecution request ICC-01/12-01/18-646-Conf-Exp, dated 13 March 2020, 15:59.
- **Annex 11:** TC X - Existing deadlines, dated 16 March 2020, 12:22.
- **Annex 12:** TC X - Shortening of deadline for LRVs' response to ICC-01/12-01/18-647-Conf-Exp, dated 16 March 2020, 12:51.
- **Annex 13:** TC X - Instruction for VWU to provide complementary observations to Prosecution request ICC-01/12-01/18-647-Conf-Exp, dated 16 March 2020, 12:52.

- **Annex 14:** TC X - Decision on Registry proposal for the suspension of judicial deadlines (17-27 March 2020), dated 17 March 2020, 11:04.
- **Annex 15:** TC X - Shortening deadline for responses to OTP Request 665-Conf, dated 17 March 2020, 12:54.
- **Annex 16:** Al Hassan: Deadlines set for ongoing review of ex parte material, dated 18 March 2020, 14:04.
- **Annex 17:** TC X - Shortening deadline for responses to OTP Request 665-Conf, dated 19 March 2020, 10:46
- **Annex 18:** TC X - Instruction for the Prosecution and VWU to provide complementary information in relation to Prosecution request ICC-01/12-01/18-646-Conf-Exp, dated 23 March 2020, 16:12.
- **Annex 19:** TC X - Shortening of deadline for responses to ICC-01/12-01/18-680-Conf-Red, dated 23 March 2020, 19:18.
- **Annex 20:** Inadvertent disclosure, dated 24 March 2020, 13:50.
- **Annex 21:** Decision on the reclassification of documents sought by the Defence on 18 March, dated 25 March 2020, 12:24.
- **Annex 22:** Notice on reclassification of decisions, 25 March 2020, 12:49.
- **Annex 24:** Decision on the reclassification of ICC-01/12-01/18-375-Conf-Exp, dated 30 March 2020, 10:32.
- **Annex 25:** TC X - Decision on OTP request to be authorised to file two responses due today after 4 pm, dated 30 March 2020, 12:30.

- **Annex 26:** TC X - Order seeking reclassification and Registry observations on LRVs request ICC-01/12-01/18-700-Conf-Exp, dated 31 March 2020, 13:38.
- **Annex 27:** TC X - Order seeking reclassification and Registry observations on LRVs request ICC-01/12-01/18-700-Conf-Exp, dated 31 March 2020, 16:44.



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

Dated this 02 February 2021

At The Hague, The Netherlands