



Original : English

N°: ICC-01/12-01/18
Date: 22 October 2021

TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mindua, Presiding Judge
Judge Tomoko Akane
Judge Kimberly Prost

SITUATION IN MALI

**IN THE CASE OF
*THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD***

Public

With Confidential Annexes 1 to 8, 10 to 13 and 15 to 22

Confidential *EX PARTE* Annex 9 only available to the Prosecution

**Confidential *EX PARTE* Annex 14 only available to the Prosecution and the
Defence**

**Confidential and confidential *EX PARTE* versions of Annexes of Registry
Quarterly Report on Email Decisions dated September 2020, dated 4 February 2021,
ICC-01/12-01/18-1286**

Source: Registry

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

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Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

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Mr Philipp Ambach

Other

I. Introduction

1. Pursuant to the Single Judge's instructions issued by email on 18 January 2021 to file confidential versions of Trial Chamber X ("Chamber") email decisions and consult in due course the parties and participants with regard to public redacted versions¹, the Registry submits the present report ("Report") and its 22 confidential and confidential *ex parte* annexes consisting of the confidential versions of the email decisions previously filed in the Registry Report on Email Decisions for the period September 2020.²

II. Procedural History

2. On 4 September 2020, the Chamber released its "Third decision on matters related to the conduct of proceedings"³ 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.*"⁴
3. The Chamber further directed the Registry to file all email decisions on the case record in quarterly reports starting on 1 October 2020.⁵
4. On 1 October 2020, the Chamber provided to the Registry the backlog of email decisions dated November 2019 until September 2020 included.⁶

¹ Trial Chamber X Decision by email to the Registry CMS, dated 18 January 2021, 10:22.

² [Registry Quarterly Report on Email Decisions dated September 2020](#), dated 4 February 2021, ICC-01/12-01/18-1286.

³ Trial Chamber X, [Third decision on matters related to the conduct of proceedings](#), ICC-01/12-01/18-1040, 4 September 2020.

⁴ *Ibid.*, para. 3.

⁵ *Ibid.*, para. 4.

5. On 18 January 2021, the Chamber further instructed the Registry to file with the quarterly reports the email decisions without redactions and consult in due course the parties and participants with regard to public redacted versions.⁷
6. On 4 February 2021, the Registry filed the public redacted version of the Registry Quarterly Report on Email Decisions dated September 2020.⁸

III. Level of classification

7. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the annexes are classified as “confidential” and “confidential *ex parte*” because they refer to sensitive information that should not be disclosed to the public.

IV. Applicable law

8. For the purpose of the present submission, the Registry considered articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

V. Submissions

9. The Registry therefore hereby attaches annexes 1 to 22 to the Report, containing the confidential and confidential *ex parte* versions of the Chamber’s email decisions as well as the relevant email submissions of the parties for the month of September 2020:

- **Annex 1:** TC X - Decision on OTP Request to amend the LOE with 5 photographs from P-0007, dated 01 September 2020, 10:28;

⁶ Fifteen emails sent by Trial Chamber X Communications to the Registry, dated 1 October 2020 containing all decisions by month.

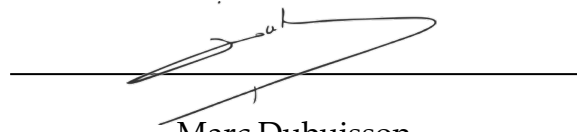
⁷ Trial Chamber X Decision by email to the Registry, see *supra* note 1.

⁸ [Registry Quarterly Report on Email Decisions dated September 2020](#), see *supra* note 2.

- **Annex 2:** Video Recording of remote preparation sessions, dated 02 September 2020, 13:42;
- **Annex 3:** TC X - Order setting deadlines related to applications ICC-01/12-01/18-1020-Conf-Exp and ICC-01/12-01/18-1022-Conf-Exp, dated 03 September 2020, 13:46;
- **Annex 4:** The Prosecutor v. Al Hassan: ICC-01/12-01/18-1035-Conf – Demande d'autorisation de déposer une réplique aux « Registrar's observations on "Demande de réexamen des Représentants légaux de la décision du Greffe relative à la demande de ressources additi, dated 07 September 2020, 16:48 ;
- **Annex 5:** List of material for Witness MLI-OTP-P-0007, dated 07 September 2020, 17:38;
- **Annex 6:** Decision granting in court protective measures for P-0057, dated 10 September 2020, 12:01;
- **Annex 7:** Objections to the use of material by the non-calling party - further directions, dated 10 September 2020, 09:16;
- **Annex 8:** TC X - Decision on Request for extension of deadline from the Medical Experts, dated 10 September 2020, 17:16;
- **Annex 9:** Confidential EX PARTE Decision only available to the Prosecution, dated 11 September 2020, 08:59;
- **Annex 10:** Decision on the LRVs' questioning of witnesses, dated 11 September 2020, 10:35;

- **Annex 11:** Decision granting protective measures for P-0621, dated 16 September 2020, 09:34;
- **Annex 12:** TC X - Reclassification of decision ICC-01/12-01/18-1027-Conf, dated 17 September 2020, 09:26;
- **Annex 13:** URGENT request for delay of testimony of witness P-193 and provision of further information, dated 17 September 2020, 17:56;
- **Annex 14:** Regulation 35 request in relation to P-0623, dated 18 September 2020, 10:27;
- **Annex 15:** List of material for Witness MLI-OTP-P-0075, dated 21 September 2020, 13:20;
- **Annex 16:** Decision granting voice distortion for P-0623, dated 21 September 2020, 13:28;
- **Annex 17:** Decision on Regulation 35 request in relation to P-0623, dated 22 September 2020, 13:23;
- **Annex 18:** Al Hassan : Request for guidance - The Prosecutor v. Al Hassan:ICC-01/12-01/18-1006-Conf - Decision appointing experts for the purpose of a medical examination pursuant to Rule 135 of the Rules of Procedure and Evidence, dated 22 September 2020, 14:24;
- **Annex 19:** Decision granting voice distortion for P-0623, dated 21 September 2020, 13:28;
- **Annex 20:** List of material for submission regarding Witness MLI-OTP-P-0102, dated 24 September 2020, 11:03;

- **Annex 21:** TC X - Decision on Defence request seeking leave for legal assistant to conduct cross-examination, dated 24 September 2020 12:39, and;
- **Annex 22:** Testimony of Witness MLI-OTP-P-0064, dated 25 September 2020, 18:00.



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

Dated this 22 October 2021

At The Hague, The Netherlands