



Original : English

N°: ICC-01/12-01/18
Date: 05 December 2022

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 Annexes 1 to 9 and 11 to 21,
and
Confidential Annexes 1 to 3, 5 to 9 and 11 to 21
Confidential *EX PARTE* Annex 4 only available to the Prosecution and Defence
and,
Confidential *EX PARTE* Annex 10 only available to the Defence and the Detention
Section

Registry's Quarterly Report on Email Decisions for the months of January until
March 2022

Source : Registry

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

The Office of the Prosecutor

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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

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry hereby submits with the present report and its 21 annexes, the public redacted and confidential versions of email decisions (“Quarterly 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 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.

III. Level of classification

5. Pursuant to regulation 23bis(1) of the Regulations of the Court, the present submission and its Annexes 1 to 3, 5 to 9 and 11 to 21 are classified as “confidential” whereas Annexes 4 and 10 are classified as “confidential *ex parte*” because they refer to sensitive information that should not be disclosed to the public.

IV. Applicable Law

6. For the purpose of the present submission, the Registry has considered articles 64(7), (10) and 67(1) of the Rome Statute and rule 140 of the Rules of Procedure and Evidence.

V. Submission

7. On 18 January 2021, the Chamber instructed the Registry to file Quarterly Reports of the unredacted email decisions, with their original classification, and consult in due course the parties and participants with regard to public redacted versions.⁶
8. On 19 August 2022, the Defence for Mr. Al Hassan (“Defence”) proposed additional redactions to be applied in Annex 13.⁷
9. On the same day, the Defence and the Registry Detention Section jointly requested that Annex 10 maintains its level of classification, *EX PARTE* only available to the Defence and the Detention Section.⁸

⁶ Trial Chamber X Decision by email to the Registry CMS, dated 18 January 2021, 10:22.

⁷ Defence Al Hassan email to the Registry CMS, email dated 19 August 2022, 14:57.

⁸ Registry Detention Section email sent to Trial Chamber X, dated 19 August 2022, 15:23.

10. On 2 September 2022, the Chamber instructed the Registry to apply redactions proposed by the Defence in Annex 13 and instructed the Registry to maintain the level of classification of Annex 10 as confidential *EX PARTE* only available to the Defence and the Registry Detention Section.⁹

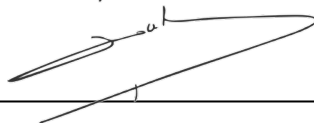
11. The Registry hereby attaches annexes 1 to 21 to the present Quarterly Report, containing the Chamber's unredacted email decisions as well as the relevant email submissions of the parties and participants for the months of January to March 2022:

- Annex 1: Decision dated 05 January 2022, 14:46;
- Annex 2: Decision dated; 10 January 2022, 15:44;
- Annex 3: Decision dated 10 January 2022, 15:50;
- Annex 4: Decision dated 12 January 2022, 09:25;
- Annex 5: Decision dated 18 January 2022, 15:59;
- Annex 6: Decision dated 20 January 2022, 09:46;
- Annex 7: Decision dated 21 January 2022, 10:43;
- Annex 8: Decision dated 21 January 2022, 13:36;
- Annex 9: Decision dated 31 January 2022, 10:32;
- Annex 10: Decision dated 31 January 2022 , 14:08;
- Annex 11: Decision dated 03 February 2022 ; 08:53;
- Annex 12: Decision dated 07 February 2022, 15:16;
- Annex 13: Decision dated 07 February 2022, 08:00;

⁹ Single Judge directions on the Public Redacted Versions of the Registry's Quarterly Report on Email Decisions for the months of January until March 2022 by email to the Registry CMS, dated 02 September 2022, 12:27.

- Annex 14: Decision dated 09 February 2022, 09:50;
- Annex 15: Decision dated 11 February 2022, 16:38;
- Annex 16: Decision dated 11 February 2022, 16:38;
- Annex 17: Decision dated 07 March 2022 ; 11:51;
- Annex 18: Decision dated 08 March 2022 ; 09h41;
- Annex 19: Decision dated 23 March 2022; 08h23;
- Annex 20: Decision dated 29 March 2022; 09h34, and
- Annex 21: Decision dated 29 March 2022, 10:21.

12. In addition, the Registry simultaneously submits Annexes 1 to 9 and Annexes 11 to 21 to the present Quarterly Report in their public redacted version.



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

Dated this 05 December 2022

At The Hague, The Netherlands