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No.: ICC-01/12-01/18
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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 Confidential *Ex Parte* Annex, only available to the Registry

**Registry Report on the implementation of Trial Chamber X's
Decision of 20 December 2019 (ICC-01/12-01/18-536)**

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Ms Melinda Taylor

Ms Marie-Hélène Proulx

Ms Sarah Bafadhel

Legal Representatives of Victims

Mr Seydou Doumbia

Mr Mayombo Kassongo

Mr Fidel Luvengika Nsita

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. Introduction

1. On 20 December 2019, the Single Judge of Trial Chamber X (“Chamber”) in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (“Case”), instructed the Registry to: 1) liaise with the Prosecutor and the Legal representatives of victims (“LRVs”) in order to identify the dual status witnesses amongst the participating victims, and to transmit to the Prosecution unredacted versions of the victim applications of those individuals, if any, together with any supporting documents; and 2) file by 24 January 2020 a report which (i) updates the Chamber on victims’ applications, and (ii) provides observations on the procedure for victim participation at trial, particularly in light of paragraphs 95-98 of the Chambers Practice Manual (“20 December 2019 Decision” or “Decision”).¹

2. The Registry provides in the present submissions :
 - 1) An update on the transmission of victim applications of dual status witnesses to the Prosecution; and
 - 2) a report that aims to :
 - (i) update the Chamber on victims’ applications received so far by the Victims Participation and Reparations Section (“VPRS”) in relation to the Case, and
 - (ii) assist the Chamber to determine the most appropriate admission system for victim participation at the trial stage of the Case.

¹Trial Chamber X, “Decision on the Prosecution request for access to the identity and applications of participating victims and inviting report and submissions on victim application procedure”, 20 December 2019, ICC-01/12-01/18-536 (“20 December 2019 Decision”), paras. 11, 13. The Chambers Practice Manual in its latest version of 29 November 2019 is available at: https://www.icc-cpi.int/about/judicial-divisions/Pages/chambers_practice_manual.aspx.

II. Procedural History

3. On 24 May 2018, the Single Judge of Pre-Trial Chamber I issued the “Decision Establishing the Principles Applicable to Victims’ Applications for Participation” (“24 May 2018 Decision”) setting out *inter alia* the transmission and admission procedure for victim participation at the confirmation hearing in the Case.² The Single Judge established an admission system whereby the Registry should *inter alia* “classif[y] the applicants into three categories: (a) applicants who clearly qualify as victims (“Group A”); (b) applicants who clearly do not qualify as victims (“Group B”); and (c) applicants for whom the Registry could not make a clear determination for any reason (“Group C”).”³ Additionally, the Single Judge ordered the Registry to “transmit to the Chamber on a rolling basis and in unredacted form all complete applications and any supporting documentation in its possession”,⁴ and “to disclose to the Prosecution and the Defence all Group C applications, redacted as needed”⁵ for their observations.⁶ The Single Judge also ordered the Registry to prepare reports.⁷
4. Between 17 September 2018 and 24 June 2019, in compliance with the 24 May 2018 Decision, the Registry transmitted altogether 890 applications falling in Groups A, B and C to the Chamber. Of this number, 29 Group C applications

² Pre-Trial Chamber I, “Decision Establishing the Principles Applicable to Victims’ Applications for Participation”, 24 May 2018, ICC-01/12-01/18-37.

³ *Ibid.*, at para. 59(i).

⁴ *Ibid.*, para. 59(ii).

⁵ *Ibid.*, para. 59(iv).

⁶ *Ibid.*, para. 59(viii).

⁷ *Ibid.*, para. 59(iii) and para. 59(v). The reports include: “regular reports that list the applications for participation and classify them according to the three groups” and “assessment reports for the attention of the Chamber and the parties, highlighting the difficulties encountered regarding Group C applications.”

were submitted, in redacted form, to the parties. The Registry submitted eight assessment reports on victims' applications for participation alongside these applications.⁸

5. On 1 July 2019, the Single Judge of Pre-Trial Chamber I rendered its decision on participation of victims in proceedings (*"Décision relative à la participation des victimes à la procédure"*) whereby 882 victims were authorised to participate at the confirmation hearing in the Case and five victim application forms were rejected.⁹

⁸ Registry, "Registry's First Transmission of Group A Applications for Victims' Participation in Pre-Trial Proceedings", 17 September 2018, ICC-01/12-01/18-127, "Registry's First Transmission of Group C Applications for Victims' Participation in Pre-Trial Proceedings", 17 September 2018, ICC-01/12-01/18-128 and "Registry's First Assessment Report on Applications for Victims' Participation in Pre-Trial Proceedings", 17 September 2018, ICC-01/12-01/18-126; "Registry's Second Transmission of Group A Applications for Victims' Participation in Pre-Trial Proceedings", 7 November 2018, ICC-01/12-01/18-175 and "Registry's Second Assessment Report on Applications for Victims' Participation in Pre-Trial Proceedings", 7 November 2018, ICC-01/12-01/18-176; "Registry's Third Transmission of Group A Victims' Applications for Participation in Pre-Trial Proceedings", 25 January 2019, ICC-01/12-01/18-227; "Registry's Second Transmission of Group C Victims' Applications for Participation in Pre-Trial Proceedings", 25 January 2019, ICC-01/12-01/18-228 and "Registry's Third Assessment Report on Victims' Applications for Participation in Pre-Trial Proceedings", 25 January 2019, ICC-01/12-01/18-226; "Registry's Fourth Transmission of Group A Victims' Applications for Participation in Pre-Trial Proceedings", 12 February 2019, ICC-01/12-01/18-244 and "Registry's Fourth Assessment Report on Victims' Applications for Participation in Pre-Trial Proceedings", 12 February 2019, ICC-01/12-01/18-245; "Registry's Fifth Transmission of Group A Victims' Applications for Participation in Pre-Trial Proceedings", 18 March 2019, ICC-01/12-01/18-282 and "Registry's Fifth Assessment Report on Victims' Applications for Participation in Pre-Trial Proceedings", 18 March 2019, ICC-01/12-01/18-281; "Registry's Sixth Transmission of Group A Victims' Applications for Participation in Pre-Trial Proceedings and the First Transmission of Group B Victims' Applications", 9 April 2019, ICC-01/12-01/18-306 and "Registry's Sixth Assessment Report on Victims' Applications for Participation in Pre-Trial Proceedings", 8 April 2019, ICC-01/12-01/18-305; "Registry's Seventh Transmission of Group A Victims' Applications for Participation in Pre-Trial Proceedings and the Second Transmission of Group B Victims' Applications", 18 April 2019, ICC-01/12-01/18-311 and "Registry's Seventh Assessment Report on Victims' Applications for Participation in Pre-Trial Proceedings", 18 April 2019, ICC-01/12-01/18-312; "Registry's Eighth Transmission of Group A Victims' Applications for Participation in Pre-Trial Proceedings", 24 June 2019, ICC-01/12-01/18-384 and "Registry's Eighth Assessment Report on Victims' Applications for Participation in Pre-Trial Proceedings", 24 June 2019, ICC-01/12-01/18-383.

⁹ Pre-Trial Chamber I, *"Décision relative à la participation des victimes à la procédure"*, 1 July 2019, ICC-01/12-01/18-391-Red, para. 38.

6. On 20 December 2019, the Single Judge of the Chamber issued her Decision recalled above.¹⁰
7. On 6 January 2020, the Chamber set the date of the commencement of the trial for 14 July 2020.¹¹

III. Classification

8. In accordance with regulation 23 *bis*(1) of the Regulations of the Court ("RoC"), the annex to the present submission is classified as confidential *ex parte* only available to the Registry because it contains sensitive information on the Registry's internal operations and information pertaining to victims' safety and security. The Registry is also filing a confidential redacted version and a public redacted version of the said annex.

IV. Applicable Law

9. The Registry submits the present report in accordance with article 68(1) and (3) of the Rome Statute, rules 16(1), 85, 89 and 94 of the Rules of Procedure and Evidence ("Rules"), regulations 23 *bis*(1), 86 and 88 of the RoC, and regulations 98, 106 to 111 of the Regulations of the Registry ("RoR").

¹⁰ See *supra*, footnote 1.

¹¹ Trial Chamber X, "Decision Setting the Commencement Date of the Trial", 6 January 2020, ICC-01/12-01/18-548, para. 24.

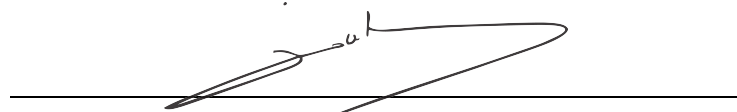
V. Submissions

(i) *Registry's Update on the Transmission of Victim Applications of Dual Status Witnesses to the Prosecution in Compliance with Paragraph 11 of the 20 December 2019 Decision*

10. The Registry informs the Chamber that in compliance with the 20 December 2019 Decision, dual status witnesses were identified amongst the participating victims,¹² and that the Registry transmitted to the Prosecution the unredacted versions of their applications for participation and/or reparations in the proceedings together with supporting documents on 16 January 2020.¹³

(ii) *Registry's Report in Compliance with Paragraph 13 of the 20 December 2019 Decision*

11. The Registry transmits as an annex to the present submission a report which includes (i) an update on victim applications received so far by the VPRS in the Case; and (ii) observations on the suggested procedure for victim participation at trial ("Report").



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

Dated this 24 January 2020

At The Hague, The Netherlands

¹² Emails from VPRS to the Office of the Prosecutor with the LRVs in copy, on 14 and 16 January 2020.

¹³ Email from VPRS to the Office of the Prosecutor with the LRVs in copy, on 16 January 2020.