



Original: **French**

No.: **ICC-01/12-01/18**

Date: **6 April 2018**

PRE-TRIAL CHAMBER I

Before: Judge Marc Perrin de Brichambaut, Single Judge

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF

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

Public Document

**Order for Information from the Prosecution further to the “Prosecution’s Request
in relation to its Disclosure and Redaction Practice”**

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

Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Mr Yasser Hassan

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

States' Representatives

**Office of Public Counsel for the
Defence**

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Section

Mr Nigel Verrill

Detention Section

Mr Paddy Craig

**Victims Participation and Reparations
Section**

Other

I, Marc Perrin de Brichambaut, having been designated Single Judge of Pre-Trial Chamber I (“Chamber”) of the International Criminal Court (“Court”), responsible for carrying out the functions of the Chamber in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (“Al Hassan case”) from 3 to 6 April 2018,¹ order the following.

1. On 27 March 2018, pursuant to article 58 of the Rome Statute (“Statute”), the Chamber issued a warrant of arrest for Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (“Al Hassan”).²
2. On 28 March 2018, the Chamber designated Judge Péter Kovács as Single Judge responsible for carrying out the functions of the Chamber, subject to article 57(2)(a) of the Statute, in the *Al Hassan* case, save from 3 to 6 April 2018, during which time Judge Marc Perrin de Brichambaut is acting as the Single Judge in the case.³
3. On 31 March 2018, Al Hassan was surrendered to the Court and is currently in custody at the Court’s detention centre in The Hague.⁴
4. On 3 April 2018, the Single Judge set 4 April 2018 as the date of the first appearance.⁵
5. On 4 April 2018, Al Hassan made his first appearance before the Single Judge in the presence of his counsel and the Prosecution.⁶
6. That same day, the Prosecution filed a request asking the Single Judge for instructions on the disclosure and redaction of evidence, and in particular the adoption of the protocol used in *The Prosecutor v. Ahmad Al Faqi Al Mahdi*.⁷

¹ “Decision Designating a Single Judge”, 28 March 2018, ICC-01/12-01/18-6-tENG (“Decision of 28 March 2018”).

² “Warrant of Arrest for Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 27 March 2018, ICC-01/12-01/18-2-tENG.

³ Decision of 28 March 2018.

⁴ ICC-01/12-01/18-11-US-Exp.

⁵ “Order Scheduling the First Appearance of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 3 April 2018, ICC-01/12-01/18-12-tENG.

⁶ Transcript of the initial appearance hearing, 4 April 2018, ICC-01/12-01/18-T-1-CONF-FRA ET.

7. The Single Judge notes articles 57(2)(b) and 61(3)(b) of the Statute, pursuant to which he may “issue orders regarding the disclosure of information for the purposes of the hearing”, and also rule 121(2) of the Rules of Procedure and Evidence (“Rules”).

8. The Single Judge considers that further information is required from the Prosecution on the nature of the evidence to be disclosed and on the redactions that may be necessary.

9. First, the Single Judge wishes to be provided with an indication of the number of items of evidence the Prosecution intends to adduce during the hearing on the confirmation of charges.

10. Second, the Single Judge wishes to be provided with an estimate of the number of witnesses – if any – whom the Prosecution intends to call to testify at the confirmation hearing, along with the number of witness statements it intends to present, pursuant to rule 76 of the Rules. As these statements must be translated into Arabic to meet the requirements of article 67(1)(f) of the Statute, the Single Judge wishes to know whether the translation has already been completed or otherwise, how much time is required for completion.

11. Third, the Single Judge wishes to be provided with an indication of the number of documents for which redactions are necessary before they are disclosed to the Defence, along with the number of documents that may be disclosed to the Defence in unredacted form.

12. Fourth, the Single Judge wishes to know whether the Prosecution intends to request, or has already requested, protection measures for any witnesses, victims or other people who are at risk on account of the Court’s activities, before their names or certain documents are disclosed.

13. Fifth, the Single Judge wishes to know whether the Prosecution has obtained documents (and the number of any such documents) or information pursuant to

⁷ “Prosecution’s Request in relation to its Disclosure and Redaction Practice”, 4 April 2018, ICC-01/12-01/18-15.

articles 53(4)(e), 72 and 93 of the Statute, tending to show the innocence of the suspect under article 67(2) of the Statute or which might be considered essential for the preparation of his defence in accordance with rule 77 of the Rules. If so, the Single Judge wishes to know whether steps have already been or are yet to be taken, with a view to obtaining the consent of the sources of those documents as to their disclosure.

14. The Single Judge will subsequently issue an order establishing the time limits and procedures for the disclosure of evidence between the parties and to the Chamber. The parties have already been informed that any disclosure of evidence between the parties must be effected through the Registry and that all such material must be communicated to the Chamber at the same time.

FOR THESE REASONS, the Single Judge

INSTRUCTS the Prosecution to submit to him a complete report containing the information described in paragraphs 9 to 13 above, by Thursday, 12 April 2018.

Done in both English and French, the French version being authoritative.

[signed]

Judge Marc Perrin de Brichambaut

Single Judge

Dated this 6 April 2018

At The Hague, Netherlands