



Original: **French**

No.: **ICC-01/12-01/18**
Date: **7 February 2019**

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, 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 Directing the Prosecutor to File Precise Submissions for Requests concerning
the Proceedings which She Intends to File before the Start of the Confirmation of
Charges Hearing**

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 Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Others

Judge **Péter Kovács**, having been designated by Pre-Trial Chamber I (“Chamber”) of the International Criminal Court (“Court”) as Single Judge 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”) on 28 March 2018,¹ hereby orders the following.

I. Procedural history

1. Following the Prosecutor’s application for the issuance of a warrant of arrest (“Application for the issuance of a warrant of arrest”) for Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (“Mr Al Hassan”),² the Chamber issued a warrant of arrest for Mr Al Hassan on 27 March 2018 pursuant to article 58 of the Rome Statute (“Statute”).³
2. On 31 March 2018, Mr Al Hassan was surrendered to the Court and he is currently in custody at the Court’s detention centre in The Hague.⁴
3. On 4 April 2018 at Mr Al Hassan’s first appearance hearing, the Single Judge scheduled the confirmation of charges hearing to start on Monday, 24 September 2018.⁵
4. On 16 May 2018, the Single Judge issued the “Decision on the Evidence Disclosure Protocol and Other Related Matters” (“Decision on Disclosure Protocol”).⁶

¹ “Decision Designating a Single Judge”, dated 28 March 2018 and reclassified as public on 31 March 2018, ICC-01/12-01/18-6-tENG.

² “*Requête urgente du Bureau du Procureur aux fins de délivrance d’un mandat d’arrêt et de demande d’arrestation provisoire à l’encontre de M. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*”, 20 March 2018, ICC-01/12-01/18-1-Secret-Exp. A confidential version *ex parte* available only to the Office of the Prosecutor and the Defence Team for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (ICC-01/12-01/18-1-Conf-Exp-Red2) and a public redacted version (ICC-01/12-01/18-1-Red) of the application were filed on 31 March 2018.

³ “Warrant of Arrest for Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, 27 March 2018, reclassified as public on 31 March 2018, ICC-01/12-01/18-2-tENG.

⁴ ICC-01/12-01/18-11-US-Exp.

⁵ Transcript of the initial appearance hearing, 4 April 2018, ICC-01/12-01/18-T-1-Red-FRA.

⁶ [ICC-01/12-01/18-31-tENG](#).

5. On 20 July 2018, the Single Judge issued his “Decision Postponing the Date of the Confirmation Hearing” (“Decision postponing the date of the confirmation hearing”),⁷ setting the date to 6 May 2019.

6. On 5 October 2018, the Chamber issued its “Decision on the Defence Request concerning the Time Limit for the Prosecutor to File the Document Containing a Detailed Description of the Charges” (“Decision on the date to file the DCC”).⁸ In that decision, the Chamber directed the Prosecutor to tender into the record the French version of the document containing a detailed description of the charges (“DCC”) and the list of evidence no later than 60 days before the confirmation hearing, i.e. by 6 March 2019.⁹ Also in that decision, the Chamber further directed the Prosecutor to notify the Defence, at the earliest opportunity and no later than 90 days before the commencement of the confirmation hearing, of any material change to the factual basis of the allegations stated in the Application for the issuance of a warrant of arrest.¹⁰

7. On 9 November 2018, the Prosecutor filed information on the fulfilment of her obligations concerning disclosure and witness protection.¹¹

8. Having particular regard for the Prosecutor’s previous submissions filed in December 2018 on the fulfilment of her obligations concerning disclosure and witness protection,¹² and considering that the expected filing date of the DCC is currently set at 6 March 2019, the Single Judge asks the Prosecutor to file further submissions. Specifically, the Single Judge wishes to be apprised of the number and the nature of the requests concerning the proceedings that the Prosecutor might still intend to file, including those in relation to protective measures for victims and

⁷ ICC-01/12-01/18-94-Red-tENG.

⁸ ICC-01/12-01/18-143-tENG.

⁹ Decision on the date to file the DCC, para. 27 and p. 14.

¹⁰ Decision on the date to file the DCC, p. 14.

¹¹ ICC-01/12-01/18-180-Red 2. On 16 November 2018, the confidential *ex parte* version was filed (ICC-01/12-01/18-180-Conf-Exp). On 13 November 2018, the Prosecutor then filed a confidential redacted version, available to the Defence (ICC-01/12-01/18-180-Conf-Red) and on 16 November 2018, a public redacted version (ICC-01/12-01/18-180-Red2).

¹² ICC-01/12-01/18-180-Red2.

witnesses, in addition to the estimated time she will need to incorporate the information pertaining thereto into her DCC after the Single Judge has ruled on those requests. The Single Judge also recommends that the Prosecutor, where possible, group together her applications for leave to withhold the identities of witnesses, where several witnesses are concerned, into one single application.

9. On account of the deadlines indicated above, the Single Judge asks the Prosecutor to file said submissions by 12 February 2019.

FOR THESE REASONS, the Single Judge

DIRECTS the Prosecutor to file, by 12 February 2019, submissions on the exact number and the nature of all requests concerning the proceedings, including those in relation to protective measures for victims and witnesses, which she intends to file during the pre-trial phase and up until the confirmation hearing, along with the estimated time she will need to incorporate the information pertaining thereto into her document containing a detailed description of the charges after the Single Judge has ruled on those requests.

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

[signed]

Judge Péter Kovács

Single Judge

Dated this 7 February 2019,

At The Hague, Netherlands