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

Date: **10 May 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 Redacted Version

**Decision on the Defence Request for Leave to Appeal the Order Setting a Deadline
for the Filing of the Applications**

Decision 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

Ms Melinda Taylor

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

States' Representatives

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REGISTRY

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Counsel Support Section

Victims and Witnesses Section

M. Nigel Verrill

Detention Section

**Victims Participation and Reparations Other
Section**

Judge **Péter Kovács**, designated on 28 March 2018 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”),¹ decides as follows.

I. Procedural history

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 (“Mr Al Hassan”).²
2. On 31 March 2018, Mr Al Hassan was surrendered to the Court; he is now held at its Detention Centre in The Hague.³
3. On 3 April 2018, the Single Judge set the first appearance for 4 April 2018.⁴
4. On 4 April 2018, the first appearance hearing was held; Mr Al Hassan appeared before the Single Judge, in presence of his counsel and the Prosecutor.⁵
5. On 16 May 2018, the Single Judge issued the “*Décision relative au système de divulgation et à d’autres questions connexes*”.⁶
6. On 20 July 2018, the Single Judge issued his “Decision Postponing the Date of the Confirmation Hearing”,⁷ whereby he set the hearing for 6 May 2019.

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

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

³ ICC-01/12-01/18-11-US-Exp.

⁴ “Order Scheduling the First Appearance of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud”, ICC-01/12-01/18-12-tENG.

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

⁶ ICC-01/12-01/18-31.

⁷ ICC-01/12-01/18-94-Red-tENG.

7. 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”.⁸ In the decision, the Chamber directed the Prosecutor to file in 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 date of the confirmation hearing,⁹ 6 March 2019.

8. On 9 November 2018, the Prosecutor gave particulars of the discharge of her duties of disclosure and witness protection.¹⁰

9. On 7 February 2019, the Single Judge directed specific submissions from the Prosecutor on the applications which she intended to enter in relation to the proceedings before the start of the confirmation hearing.¹¹ The Prosecutor filed submissions on 12 February 2019 and sought further time in which to file the DCC¹² (“Prosecutor’s Request for Further Time”). The Defence responded on 19 February 2019, objecting to the further time sought and to the postponement of the hearing.¹³

10. On 25 February 2019, the Single Judge issued an “*Ordonnance fixant une date butoir pour le dépôt des requêtes en vue du dépôt du document contenant les charges*” (“Order of 25 February 2019”), wherein he directed the Prosecutor to make all of her

⁸ ICC-01/12-01/18-143-tENG.

⁹ Decision on the Date of Filing of the DCC, para. 27 and p. 13.

¹⁰ ICC-01/12-01/18-180-Red2. The confidential *ex parte* version was filed on 16 November 2018, see ICC-01/12-01/18-180-Conf-Exp. The Prosecutor subsequently filed a confidential redacted version (ICC-01/12-01/18-180-Conf-Red), which was available to the Defence, in the record on 13 November 2018 and a public redacted version on 16 November 2018 (ICC-01/12-01/18-180-Red2).

¹¹ “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”, ICC-01/12-01/18-236-tENG.

¹² “*Éléments d’information concernant notamment la communication des éléments de preuve et les requêtes aux fins d’expurgation à venir et demande d’extension de délai pour déposer le Document contenant les charges ainsi que la Liste des témoins et des éléments de preuve*”, ICC-01/12-01/18-243-Secret-Exp (“Prosecutor’s Submissions”). The Prosecutor filed a secret, *ex parte* redacted version of her application, which was made available to the Defence on 14 February 2019 (ICC-01/12-01/18-243-Secret-Exp-Red), and a public redacted version on 15 February 2019 (ICC-01/12-01/18-243-Red2).

¹³ “Defence response to the Prosecution’s ‘*Éléments d’information concernant notamment la communication des éléments de preuve et les requêtes aux fins d’expurgation à venir et demandes d’extension de délai pour déposer le Document contenant les charges ainsi que la Liste des témoins et des éléments de preuve*’”, 19 February 2019, ICC-01/12-01/18-250-Secret-Exp (“Defence Response”). The Defence filed a public redacted version on 21 February 2019, ICC-01/12-01/18-250-Red.

applications in prospect of filing the document containing the charges by 15 March 2019, deferred the date of the confirmation hearing and advised that it would be rescheduled after 15 March 2019.¹⁴

11. On 4 March 2019, the Defence filed an application for leave of the Single Judge to appeal the Order of 25 February 2019 (“Request”).¹⁵ On 8 March 2019, the Prosecutor filed her response (“Response”).¹⁶

12. On 18 April 2019, the Single Judge issued his “*Décision fixant une nouvelle date pour le dépôt du document contenant les charges et pour le début de l’audience de confirmation des charges*”¹⁷ (“Decision of 18 April 2019”), wherein he directed the Prosecutor to file the document containing the charges by Wednesday, 8 May 2019 and rescheduled the confirmation hearing for Monday, 8 July 2019.

II. Analysis

A. Submissions of the parties

13. The Defence advances two grounds of appeal.¹⁸ It argues that the Single Judge has misinterpreted article 60(4) of the Statute and that his decision lacks sufficient reasoning on the two appealable issues: (i) as to whether the “delay by the Prosecutor” was due to “reasons outside of [...] her control”, since article 60(4) of the Statute must be read in conjunction with regulation 35 of the Regulations of the

¹⁴ ICC-01/12-01/18-255, para. 15.

¹⁵ “Defence Request for leave to appeal the Single Judge’s ‘Ordonnance fixant une date butoir pour le dépôt des requêtes en vue du dépôt du document contenant les charges’”, ICC-01/12-01/18-261-Conf-Exp. The Defence filed a public redacted version of its request in the record, ICC-01/12-01/18-261-Red.

¹⁶ “Prosecution’s Response to Defence Request for Leave to Appeal the ‘Ordonnance fixant une date butoir pour le dépôt des requêtes en vue du dépôt du document contenant les charges’”, ICC-01/12-01/18-266-Conf-Exp. On 3 May 2019, the document was reclassified as “public”, ICC-01/12-01/18-266.

¹⁷ ICC-01/12-01/18-313.

¹⁸ Request, para. 4.

Court;¹⁹ and (ii) as to whether the prolongation of Mr Al Hassan's detention, as a consequence of the postponement of the hearing, was reasonable.²⁰

14. First, it is the Defence's submission that, in the Prosecutor's Request for Further Time, the Prosecutor failed to give the "reasons outside of [...] her control" to account for why she could not adhere to the time set for her to make applications regarding the filing of the DCC. Nor, in its view, has the Single Judge established that the reasons for the postponement were beyond the Prosecutor's control.²¹ The Defence argues that, in assessing the reasonableness of the delay, the Single Judge should have had regard to the length of the delay, the complexity of the case, the conduct of the parties and the prejudice to the accused.²²

15. The Defence contends that the expeditiousness of the proceedings is thus affected, since the Single Judge has not rescheduled the confirmation hearing.²³ The Defence states that the Prosecution now has carte blanche to request postponements which it no longer has to justify.²⁴ The Defence contends that the fairness of the proceedings is also affected, since Mr Al Hassan is in the dark as to why the proceedings have been delayed and his pre-trial detention has been extended indefinitely – at this stage in the proceedings, a warrant of arrest can no longer be a basis for that detention, unless he is given notice of the charges brought against him.²⁵ In the view of the Defence, it has been the Court's practice that decisions to postpone a confirmation hearing for a second time follow the filing of the DCC and the list of evidence; the fairness and expeditiousness of the proceedings are directly affected by the fact that those documents have yet to be provided in the case at bar.²⁶ The Defence is therefore of the opinion that resolution by the Appeals Chamber

¹⁹ Request, paras. 12, 13, 16-18, 20-21, 27.

²⁰ Request, paras. 12, 14-15, 24, 29, 33-43.

²¹ Request, para. 16.

²² Request, para. 17.

²³ Request, para. 22.

²⁴ Request, para. 22.

²⁵ Request, paras. 21-23, 29.

²⁶ Request, paras. 25-26.

would advance the proceedings, by ensuring that the fairness of the proceedings is left intact at this juncture.²⁷

16. The Defence also contends that the Single Judge erred in basing the Order of 25 February 2019 on rule 121(7) of the Rules, whereas the Prosecutor's request did not rely on that rule but on regulation 35 of the Regulations of the Court. The Defence notes that rule 121(7) of the Rules at the very least has nonetheless been consistently cited by the parties seeking postponement of the confirmation hearing in cases before the Court.²⁸

17. Second, the Defence claims that the postponement of the date of filing of the DCC has consequences for the prolongation of Mr Al Hassan's detention [REDACTED].²⁹ It is the Defence's submission that the Single Judge has failed to provide sufficient grounds for his decision to prolong the pre-trial detention of Mr Al Hassan, whereas he was duty-bound to do so.³⁰ The fairness of the proceedings is thus affected as the suspect is still in the dark as to when, for the first time since his arrest, he will have the opportunity to defend himself.³¹ The Defence goes on to say that the lack of reasoning on the part of the Single Judge hampers the full exercise of the right of the suspect to appeal the said decision, his right to liberty and his right to *habeas corpus*.³² The situation is exacerbated by the fact that the DCC has yet to be provided.³³ Accordingly, the Defence takes the view that resolution by the Appeals Chamber would advance the proceedings, by reinstating the right of Al Hassan to know the reasons for the duration of his detention [REDACTED].³⁴

18. The Prosecutor counters that the Single Judge should reject the Defence Request.³⁵ It is her view that the Defence arguments mischaracterize the decision.³⁶

²⁷ Request, para. 28.

²⁸ Request, paras. 12, 19.

²⁹ Request, paras. 14-15, 29.

³⁰ Request, paras. 33-36, 40.

³¹ Request, para. 37.

³² Request, paras. 31-32, 36, 43.

³³ Request, para. 42.

³⁴ Request, para. 45.

³⁵ Response, paras. 1, 9, 12, 14.

19. The Prosecutor argues that the Single Judge did provide reasons for his decision to extend the time in which to file applications for redactions and the DCC, after he had assessed whether the criteria laid down at article 60(4) of the Statute were satisfied in the light of the circumstances of the case. In the view of the Prosecutor, he had regard to, among other factors, the considerable volume of applications submitted for the purpose of protecting the victims, which warrant adjusting the schedule so that the applications can be finalized.³⁷ The Prosecutor asserts that the Defence merely states its disagreement with the Single Judge's careful assessment, and that that is insufficient to identify an appealable issue.³⁸

20. The Prosecutor goes on to say that even were the Chamber to determine that the Request identifies an appealable issue it nevertheless fails to meet the remaining two cumulative requirements under article 82(1)(d) of the Statute: as framed, the issues do not significantly affect the expeditious conduct of the proceedings or the outcome of the trial.³⁹ The Prosecutor also makes the point that their immediate resolution would delay, not materially advance, the proceedings.⁴⁰ Lastly, the Prosecutor underlines that the reasons for Mr Al Hassan's pre-trial detention are to be found in the warrant of arrest.⁴¹

B. Applicable law

21. The Single Judge refers to articles 60(4), 61, 67(1) and 82(1)(d) of the Statute, rules 121(2), 121(7) and 155 of the Rules of Procedure and Evidence ("Rules") and regulations 35 and 65 of the Regulations of the Court. He also refers to his decision of

³⁶ Response, para. 5.

³⁷ Response, paras. 5-8.

³⁸ Response, paras. 2, 8 and references cited at footnote 21.

³⁹ Response, paras. 9-13.

⁴⁰ Response, paras. 9, 14.

⁴¹ Response, para. 14.

18 September 2018, wherein he rehearsed the applicable law and previous decisions on article 82(1)(d) of the Statute.⁴²

C. The Single Judge's determination

22. The Single Judge recalls that article 82(1)(d) of the Statute provides:

1. Either party may appeal any of the following decisions in accordance with the Rules of Procedure and Evidence:

[...]

(d) A decision that involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which, in the opinion of the Pre-Trial or Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings.

23. Thus the Single Judge may allow an application for leave to appeal brought by either party where the three following criteria are met:

1. The issue may form the subject matter of an appealable decision;
2. The issue raised may significantly affect:
 - (i) the fair and expeditious conduct of the proceedings; or
 - (ii) the outcome of the trial; and
3. In the opinion of the Pre-Trial or Trial Chamber, an immediate resolution of the issue by the Appeals Chamber may materially advance the proceedings.

24. The Single Judge points out in this regard that the cumulative nature of the criteria enumerated at article 82(1)(d) of the Statute means that an application for leave to appeal will be denied where one or more of them are not met.⁴³

⁴² "Decision on the Defence 'Request for an alternative mechanism to facilitate disclosure or, in the alternative, request for leave to appeal the decision concerning in-depth analysis charts'", 18 September 2018, ICC-01/12-01/18-130 ("Decision of 18 September 2018"), paras. 27-32.

⁴³ Situation on the Registered Vessels of Comoros *et al.*, "Decision on the Prosecutor's request for leave to appeal the 'Decision on the 'Application for Judicial Review by the Government of the Union of the Comoros'", 18 January 2019, ICC-01/13-73, para. 24. See also Decision of 18 September 2018, paras. 29, 31-32.

25. The Single Judge points to the limited nature of the remedy foreseen by article 82(1)(d) of the Statute, which Pre-Trial Chamber I, sitting in its previous composition, has had occasion to recall in noting that “the drafting history of article 82 indicates that interlocutory appeals were meant to be admissible only under limited and very specific circumstances”.⁴⁴ In that connection, the Appeals Chamber has also said that the right to appeal a decision pursuant to article 82(1)(d) of the Statute arises only when the Pre-Trial or Trial Chamber is of the opinion that the impugned decision must receive the immediate attention of the Appeals Chamber.⁴⁵

26. The Appeals Chamber has held that “[a]n issue is constituted by a subject the resolution of which is essential for the determination of matters arising in the judicial cause”.⁴⁶ In the case at bar, the Defence raises the matter as to whether the Single Judge made an error of law in his Order of 25 February 2019 by setting a deadline, 8 March 2019, for the Prosecutor to file applications, entailing postponement of the filing of the DCC and the date of the confirmation hearing, *and*, in addition, by failing to provide sufficient reasons for his decision.⁴⁷ The Single Judge recalls that, once the final applications had been filed, in his Decision of 18 April 2019 he proceeded to set

⁴⁴ Pre-Trial Chamber I, Situation in the Democratic Republic of the Congo, “Decision on the Prosecution’s Application for Leave to Appeal the Chamber’s Decision of 17 January 2006 on the applications for Participation in the Proceedings of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and VPRS 6”, 31 March 2006, ICC-01/04-135-tEN, para. 22. See also paras. 21, 23-24.

⁴⁵ Situation in the Democratic Republic of the Congo, “Judgment on the Prosecutor’s Application for Extraordinary Review of Pre-Trial Chamber I’s 31 March 2006 Decision Denying Leave to Appeal”, 13 July 2006, ICC-01/04-168, para. 20; Case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, “Judgment on the appeals of Mr Laurent Gbagbo and Mr Charles Blé Goudé against the decision of Trial Chamber I of 9 June 2016 entitled ‘Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)’”, 1 November 2016, ICC-02/11-01/15-744, para. 12.

⁴⁶ ICC-01/04-168, para. 9.

⁴⁷ The Single Judge notes the Defence submission that he erred in basing his decision on rule 121(7) of the Rules, whereas the Prosecutor made no mention of the provision in the Prosecutor’s Request for Further Time. However, to the Single Judge’s mind, the Defence frames the argument as ancillary (to its overall position that the Single Judge erred by setting a deadline which resulted in postponement of the confirmation hearing) and does not base its application for leave to appeal on the argument proper, as a ground of appeal. That a party does not advert to a specific provision does not preclude reliance thereon by a Chamber where, in the circumstances of the case, it considers the provision to be applicable under article 21 of the Statute. As to the case under consideration, the Single Judge sees that the rule in question makes specific provision for postponement *proprio motu* of the confirmation hearing – a foreseeable consequence of the impugned decision.

the date of filing of the DCC for Wednesday, 8 May 2019 and rescheduled the confirmation hearing for Monday, 8 July 2019.

27. The Single Judge notes that the criterion laid down at article 82(1)(d) of the Statute which envisages that immediate resolution by the Appeals Chamber of the issue raised may “materially advance the proceedings” has been construed by the Court as imparting “legal certainty” to the proceedings⁴⁸ or as affecting the expeditiousness of the proceedings.⁴⁹ It is not clear to the Single Judge how, in the circumstances of the case, bringing the judgment of the Appeals Chamber to bear on the issue raised by the Defence might “materially advance the proceedings”, irrespective of how that criterion is construed. Turning first to the “legal certainty”

⁴⁸ Appeals Chamber, Situation in the Democratic Republic of the Congo, “Judgment on the Prosecutor’s Application for Extraordinary Review of Pre-Trial Chamber I’s 31 March 2006 Decision Denying Leave to Appeal”, 13 July 2006, [ICC-01/04-168](#) (“Appeals Judgment of 31 March 2006”) paras. 15-16 (“A crucial word in the second leg of article 82 (1) (d) is “advance”; a term having a number of nuances depending on the context in which it is used. Here, the context is judicial proceedings. The word cannot be associated with the expeditiousness of the proceedings, one of the prerequisites for defining an appealable issue. The meaning conveyed by “advance” in the latter part of sub-paragraph (d) is “move forward”; by ensuring that the proceedings follow the right course. Removing doubts about the correctness of a decision or mapping a course of action along the right lines provides a safety net for the integrity of the proceedings. A wrong decision on an issue in the context of article 82 (1) (d) of the Statute unless soon remedied on appeal will be a setback to the proceedings in that it will leave a decision fraught with error to cloud or unravel the judicial process. In those circumstances the proceedings will not be advanced but on the contrary they will be set back.”). See also Pre-Trial Chamber I, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, “Decision on requests for leave to appeal the ‘Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and (68(3))’”, 7 July 2016, ICC-02/11-01/15-612, para. 24; Pre-Trial Chamber I, Situation in the Democratic Republic of the Congo, “Decision on Request for leave to appeal the ‘Decision on the Requests of the OPCD on the Production of Relevant Supporting Documentation Pursuant to Regulation 86(2)(e) of the Regulations of the Court and on the Disclosure of Exculpatory Materials by the Prosecutor’”, 23 January 2008, [ICC-01/04-438](#), pp. 7-8.

⁴⁹ Trial Chamber II, *The Prosecutor v. Thomas Lubanga Dyilo*, “*Décision sur la demande de l’équipe de défense de Thomas Lubanga Dyilo aux fins d’autorisation d’interjeter appel de la décision rendue le 7 février 2019*”, 4 March 2019, [ICC-01/04-01/06-3445](#), para. 22 (“[TRANSLATION] the Chamber determines that the Defence has not established that immediate resolution of the issue identified by the Appeals Chamber may materially advance the proceedings. The Chamber considers that, on the contrary, to place an issue before the Appeals Chamber again which already lies before it for determination will only retard, rather than move forward the final phase of the reparations proceedings, *viz.*, implementation of the reparations.”); Trial Chamber I, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, “Corrigendum to the ‘Decision on Request of Mathieu Ngudjolo Chui for Leave to Appeal the ‘Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case’”, 29 May 2008, [ICC-01/04-01/07-527-Corr](#) (“Decision of 29 May 2008”), p. 8. Having noted that the course of an interlocutory appeal takes an average of four to five months, the Chamber determined that an “‘immediate resolution by the Appeals Chamber’ [...] will not materially advance the proceedings [...]”.

that a ruling of the Appeals Chamber could provide, legal certainty is understood to be the mapping by that Chamber of a course of action along “the right lines” or “the right course”, whereby said Chamber “provides a safety net for the integrity of the proceedings”.⁵⁰ In a sense, appellate jurisdiction is brought to bear in order to “correct” at the earliest opportunity in the proceedings the error of the bench whose decision is impugned, where error is found. Here, however, even were resolution by the Appeals Chamber to “determine” the matter and were it to consider that the Single Judge had erred in setting a deadline for the filing of the remaining procedural applications, thus dispensing the Prosecutor from filing her DCC on 8 March 2019 and not rescheduling that date of filing, it will nonetheless not be in a position to give its decision before the rescheduled date of filing, which was subsequently set for 8 May 2019. For that reason, in the circumstances particular to the matter at hand, the Appeals Chamber will not be in a position to “correct” the error, if any, imputed to the Single Judge.⁵¹ Second, as to the expeditiousness of the proceedings, and as the Prosecutor has noted, appellate proceedings will necessarily retard rather than expedite the proceedings.⁵²

28. The cumulative nature of the criteria laid down at article 82(1)(d) of the Statute inclines the Single Judge to the view that he need not consider the remaining criteria and so the Defence application for leave to appeal is dismissed.

29. Furthermore, the Single Judge notes that [REDACTED],⁵³ [REDACTED].

30. Lastly, should the Defence wish to contest the length of Mr Al Hassan’s detention, considering that the gravamen of the arguments it makes in the Request in question go to that matter,⁵⁴ it is at liberty to apply to the Single Judge pursuant to

⁵⁰ Appeals Judgment of 31 March 2006, paras. 15-16.

⁵¹ See the similar reasoning followed by Trial Chamber IX in the case of *The Prosecutor v. Dominic Ongwen* in the following decisions: “Decision on Defence Request for Leave to Appeal Decision 1248”, 22 May 2018, [ICC-02/04-01/15-1263](#), para. 15; “Decision on Defence Request for Leave to Appeal Decisions ICC-02/04-01/15-596-Conf and ICC-02/04-01/15-600”, 5 December 2016, [ICC-02/04-01/15-622](#), para. 11.

⁵² See Decision of 29 May 2008.

⁵³ [REDACTED].

⁵⁴ Request, paras. 14, 15, 24, 29-44.

article 60(2) of the Statute and to set out all of its arguments on the subject. On that particular issue the Single Judge will then issue a decision from which appeal lies.

FOR THESE REASONS, the Single Judge

DISMISSES the Defence application for leave to appeal the “*Ordonnance fixant une date butoir pour le dépôt des requêtes en vue du dépôt du document contenant les charges*”.

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

[signed]

Judge Péter Kovács

Single Judge

Dated this 10 May 2019

At The Hague, Netherlands