



Original: **English**

No.: **ICC-01/12-01/18**
Date: **21 November 2019**

THE PRESIDENCY

Before: **Judge Chile Eboe-Osuji, President**
 Judge Robert Fremr, First Vice-President
 Judge Marc Perrin de Brichambaut, Second Vice-President

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF
THE PROSECUTOR V. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD

Public

Decision constituting Trial Chamber X and referring to it the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**The Office of the Prosecutor**

Fatou Bensouda
James Stewart

Counsel for the Defence

Melinda Taylor
Marie-Hélène Proulx

Legal Representatives of the Victims

Seydou Doumbia
Mayombo Kassongo
Fidel Luvengika Nsita

Legal Representatives of Applicants**Unrepresented Applicants
(Participation/Reparation)****The Office of Public Counsel for Victims****The Office of Public Counsel for the
Defence****States' Representatives****Trust Fund for Victims****REGISTRY****Registrar**

Peter Lewis

Other

Pre-Trial Chamber I

Trial Chamber X

Victims and Witness Unit

Nigel Verrill

Victims Participation and Reparations**Section**

Philipp Ambach

THE PRESIDENCY of the International Criminal Court ('Court');

NOTING article 61(11) of the Statute, pursuant to which the Presidency shall constitute a Trial Chamber once the charges have been confirmed, which shall be responsible for the conduct of subsequent proceedings; and rule 130 of the Rules of Procedure and Evidence ("Rules") whereby it shall refer the case to a Trial Chamber and transmit to it the Decision Confirming the Charges and the record of the proceedings of the Pre-Trial Chamber;

NOTING the decision of Pre-Trial Chamber I dated 30 September 2019 which, *inter alia*, confirmed, pursuant to article 61(7)(a) of the Statute, certain of the charges presented by the Prosecutor against Mr Al Hassan, to the extent specified at pages 451 to 467 of that decision, and committed him for trial on the charges as confirmed ('Decision Confirming the Charges');¹

NOTING the decision of Pre-Trial Chamber I dated 18 November 2019 rejecting the request for leave to appeal the Decision Confirming the Charges in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, thereby concluding the proceedings in the case before that Chamber, and ordering the Registrar to transmit the Decision Confirming the Charges and the record of the proceedings to the Presidency;²

NOTING that the record of the proceedings before Pre-Trial Chamber I and the Decision Confirming the Charges were transmitted to the Presidency by the Registrar on 20 November 2019, in accordance with rule 129 of the Rules;³

NOTING its previous decision assigning judges to divisions and recomposing Chambers;⁴

NOTING further that when composing chambers, the Presidency must balance a number of factors to the extent necessary and possible, and that the guiding principles informing these factors are the applicable statutory framework and the need to ensure the efficient management of the Court's workload, including in view of the Court's long-term needs;

CONSIDERING the current and anticipated overall judicial workload of the Court and the

¹ Rectificatif à la Décision relative à la confirmation des charges portées contre Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, 13 November 2019, ICC-01/12-01/18-461-Corr-Red.

² Décision relative à la requête de la défense aux fins d'autorisation d'interjeter appel de la Décision relative à la confirmation des charges et transmission du dossier à la présidence en vertu de la règle du Règlement de procédure et de preuve, 18 November 2019, ICC-01/12-01/18-498-Red2.

³ Transmission to the Presidency of the record of the proceedings, including the Decision on the confirmation of charges against Al Hassan Ag Abou Aziz Ag Mohamed Ah Mahmoud, 20 November 2019, ICC-01/12-01/18-500.

⁴ Decision assigning judges to divisions and recomposing Chambers, 16 March 2018, ICC-01/12-53.

necessity to ensure sound management of the same, the need to expedite proceedings, the workload and individual concerns of the respective judges, their previous involvement in cases, as well as the experience and expertise of each judge;

HEREBY DECIDES to temporarily attach Judge Tomoko Akane, currently assigned to the Pre-Trial Division, to the Trial Division, in accordance with article 39(4) of the Statute;

CONSTITUTES Trial Chamber X with immediate effect as follows:

Judge Antoine Kesia-Mbe Mindua

Judge Tomoko Akane

Judge Kimberly Prost

DECIDES to refer the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* to Trial Chamber X;

ORDERS the Registrar, pursuant to rule 130 of the Rules, to transmit the full record of the proceedings in the above mentioned case to Trial Chamber X, including the Decision Confirming the Charges; and to notify the present decision to the relevant parties and participants in the case.

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



Judge Chile Eboe-Osuji
President

Dated this 21 November 2019

At The Hague, The Netherlands