

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/12-01/15

Date: 11 July 2017

TRIAL CHAMBER VIII

Before: Judge Raul C. Pangalangan, Single Judge

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF *THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI*

Public

Order on Publicity of Case Record

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Fatou Bensouda
James Stewart
Gilles Dutertre

Counsel for the Defence

Mohamed Aouini
Jean-Louis Gilissen

Legal Representative of Victims

Mayombo Kassongo

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

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Others

Trust Fund for Victims

Judge Raul C. Pangalangan, acting as Single Judge on behalf of Trial Chamber VIII ('Single Judge' and 'Chamber', respectively) of the International Criminal Court issues the following 'Decision on Publicity of Case Record', in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to Articles 64(7) and 67(1) of the Rome Statute ('Statute') and Regulation 23 *bis* of the Regulations of the Court.

1. On 4 November 2016, in accordance with a Single Judge order to this effect,¹ the Office of the Prosecutor ('Prosecution'), the Defence team for Mr Al Mahdi ('Defence'), the Legal Representative of Victims ('LRV') and the Registry filed certifications that their filings were as public as possible and requested reclassifications as public of certain filings.²
2. On 2 December 2016, the Single Judge granted said reclassifications and ordered that oral decisions and decisions issued by way of email be made public, thus ensuring that the case record was as public as possible.³
3. In the meantime, various submissions were filed in the context of the reparations proceedings, some of them remaining confidential to this date. Mindful of the principle of publicity as set forth in Articles 64(7) and 67(1) of the Statute, the Single Judge has reviewed the case record and directs:
 - the LRV to file public redacted versions of ICC-01/12-01/15-196-Conf, ICC-01/12-01/15-218-Conf-Red⁴ and ICC-01/12-01/15-224-Conf-Corr or to request reclassification;

¹ Order on Publicity of Case Record, 15 September 2016, ICC-01/12-01/15-168.

² *Certificat de publicité de l'Accusation*, ICC-01/12-01/15-181 with one public annex ; *Certificat de publicité de la Défense*, ICC-01/12-01/15-184 (notified on 7 November 2016) ; *Observations du Représentant légal des victimes en conformité avec l'« Order on Publicity of Case Record » du 15 Septembre 2016*, ICC-01/12-01/15-183('LRV Observations'); Registry's Observations pursuant to Trial Chamber VIII's « Order on Publicity of Case Record » (ICC-01/12-01/15-168), ICC-01/12-01/15-182 with one confidential, *ex parte*, annex.

³ Decision on Publicity of Case Record, 2 December 2016, ICC-01/12-01/15-186 with two public annexes.

⁴ The Chamber's decision on this request is public: ICC-01/12-01/15-223.

- the Defence to file public redacted versions of ICC-01/12-01/15-198-Conf, ICC-01/12-01/15-221-Conf and ICC-01/12-01/15-226-Conf or to request reclassification; and
 - the Prosecution to file a public redacted version of ICC-01/12-01/15-195-Conf or to request reclassification.
4. Further, the four experts appointed by the Chamber to submit a report on the reparations relevant areas⁵ shall also file public redacted versions of their reports, in consultation with the Registry.⁶ The experts having now completed their mandate, the Single Judge leaves it at their discretion to decide whether they wish to have their identity made public.⁷
 5. In line with the Chamber's previous decisions,⁸ the Victims Participation and Reparation Section ('VPRS') – in consultation with the LRV – shall file public redacted versions of the applications for reparations transmitted at its earliest convenience and in any event no later than 6 October 2017.⁹
 6. Further, with a view of enabling the Trust Fund for Victims ('TFV') to discharge its mandate as efficiently as possible, the TFV, the Registry, parties and participants are encouraged to liaise with a view of determining whether certain filings or items of evidence may be usefully communicated to the TFV.
 7. Finally, in line with its previous Decision on the Publicity of the Case Record, the Single Judge directs the Registry to file in the record the emails listed in Annex A

⁵ Public redacted version of 'Decision Appointing Reparations Experts and Partly Amending Reparations Calendar', 19 January 2017, ICC-01/12-01/15-203-Red.

⁶ ICC-01/12-01/15-215 and three confidential annexes.

⁷ The Prosecution, the LRV and the Defence should obtain confirmation that the relevant experts agree on their identity being made public prior to seeking reclassification or to filing a redacted version of ICC-01/12-01/15-195-Conf, ICC-01/12-01/15-196-Conf and ICC-01/12-01/15-198-Conf. Absent a timely confirmation, identities shall remain confidential. Public redacted versions of annexes to Registry's filing ICC-01/12-01/15-197 need not be filed.

⁸ Second Decision on Victim Participation at Trial, 12 August 2016, ICC-01/12-01/15-156-Red; Decision on Publicity of Case Record, ICC-01/12-01/15-186.

⁹ ICC-01/12-01/15-202 and 135 confidential annexes; ICC-01/12-01/15-211 and four confidential annexes.

to the present decision. Redactions shall be applied in accordance with footnote 1 of the annex.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

DIRECTS the LRV to file public redacted versions of ICC-01/12-01/15-196-Conf, ICC-01/12-01/15-218-Conf-Red,¹⁰ and ICC-01/12-01/15-224-Conf-Corr, or to request public reclassification thereof, by 14 July 2017;

DIRECTS the Defence to file public redacted versions of ICC-01/12-01/15-198-Conf, ICC-01/12-01/15-221-Conf and ICC-01/12-01/15-226-Conf, or to request public reclassification thereof, by 14 July 2017;

DIRECTS the Prosecution to file public redacted versions of ICC-01/12-01/15-195-Conf, or to request public reclassification thereof, by 14 July 2017;

DIRECTS the Appointed Experts to file public redacted versions of their reports, in consultation with the Registry, by 4 August 2017;

DIRECTS the VPRS to file public redacted versions of applications for reparations by 6 October 2017;

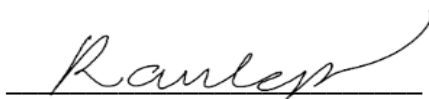
INVITES the TFV, to liaise with the parties, the participants and the Registry, in accordance with paragraph 6 above;

DIRECTS the Registry to file a report appending all decisions issued by way of email in the record of the case and identified in Annex A as soon as practicable; and

DIRECTS the Registry to notify the experts of the present decision.

¹⁰ The Chamber's decision on this request is public: ICC-01/12-01/15-223.

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

A handwritten signature in cursive script, reading "Raul C. Pangalangan", is written over a horizontal line.

Judge Raul C. Pangalangan, Single Judge

Dated 11 July 2017

At The Hague, The Netherlands