



Original: **English**

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

Date: **25 July 2016**

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

**With Confidential *ex parte* Annex A, available only to the Office of Public
Counsel for Victims;**

**Confidential *ex parte* Annex B, available only to the Prosecution and the Office of
Public Counsel for Victims;**

**Confidential *ex parte* Annex C, available only to the Prosecution and the Legal
Representative of Victims;**

Confidential *ex parte* Annex D, available only to the Prosecution

Second Report on Applications to Participate in the Proceedings

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Mr James Stewart

Counsel for the Defence

Mr Mohamed Aouini

Mr Jean-Louis Gilissen

Legal Representatives of Victims

Mr Mayombo Kassongo

Legal Representatives of Applicants

Mr Mayombo Kassongo

Ms Paolina Massidda

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Mr Esteban Peralta Losilla

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Other

I. Introduction

1. The Registry hereby submits a report pursuant to regulation 86(5) of the Regulations of the Court ("RoC") on six applications for participation in the proceedings which have been received by the Registry in relation to the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* ("Case").¹
2. The Registry also submits a memorandum from the Office of Public Counsel for Victims ("OPCV") with information regarding the legal representation and security concerns of one applicant,² as well as a report from the Registry's Victims and Witnesses Unit, for Trial Chamber VIII's ("the Trial Chamber") consideration.

II. Procedural History

3. On 8 June 2016, the Trial Chamber directed the Registry to, *inter alia*, (i) transmit, on a rolling basis and, in any case no later than 25 July 2016, all applications which in the Registry's assessment are complete and that fall within the scope of the charges as defined by the Decision on the confirmation of charges against Ahmad Al Faqi Al Mahdi, together with an *ex parte* report pursuant to regulation 86(5) of the RoC, available to the Office of the Prosecutor ("Prosecution") and the Legal Representative of Victims ("LRV"); and (ii) transmit the applications in unredacted form to the Prosecution and in redacted form to the Defence, when the applicant has expressed some security concern ("8 June 2016 Decision").³

¹ These applications were given the following reference numbers: a/35003/16, a/35004/16, a/35005/16, a/35006/16, a/35007/16 and a/35008/16.

² Internal Memorandum from the OPCV to the Victims Participation and Reparations Section, dated 13 July 2016.

³ Trial Chamber VIII, "Public redacted version of 'Decision on Victim Participation at Trial and on Common Legal Representation of Victims'", dated 8 June 2016, ICC-01/12-01/15-97-Red, paras. 10-13.

III. Classification

4. Pursuant to regulation 23bis(1) of the RoC and the 8 June 2016 Decision, Annex A is classified as confidential *ex parte*, available only to the OPCV, and Annex B is classified as confidential *ex parte*, available only to the Prosecution and the OPCV, as both annexes contain sensitive information related to the protection of an applicant; Annex C is classified as confidential *ex parte* available only to the Prosecution and the LRV pursuant to the 8 June 2016 Decision; and Annex D is classified as confidential *ex parte* available only to the Prosecution, in view of the applicant's legal representation to be confirmed by the Trial Chamber.

IV. Applicable Law

5. The Registry submits the present report in accordance with article 68(1) and (3) of the Rome Statute, rules 16, 85 and 89(1) of the Rules of Procedure and Evidence, regulation 86(5) of the RoC, and in accordance with the 8 June 2016 Decision.


V. Submissions

6. The Registry respectfully refers the Trial Chamber to its explanation of its Rule 85 Report on the applications filed together with its first Report on applications for participation in the Case.⁴ The Registry has also followed further instructions regarding the assessment of applications provided by the Trial Chamber in its Decision of 8 June 2016.⁵

⁴ Registry, "Report on Applications to Participate in the Proceedings and observations on the issue of the legal representation of victims", dated 1 June 2016, ICC-01/12-01/15-96.

⁵ Decision of 8 June 2016, paras. 17-35.

7. In view of the information on legal representation related to applicant a/35008/16, the Registry transmits the Registry's Rule 85 report regarding this particular application separately in confidential *ex parte* annex D, available only to the Prosecution, and stands ready to notify the LRV or any another legal representative of this annex upon the Trial Chamber's instructions.
8. The Registry therefore hereby transmits:
- A memorandum from the OPCV (confidential *ex parte* Annex A, available only to the OPCV);
 - A report from the Registry's Victims and Witnesses Unit (confidential *ex parte* Annex B, available only to the Prosecution and the OPCV);
 - The Registry's Rule 85 Report on five applications (confidential *ex parte* Annex C, available only to the Prosecution and the LRV); and
 - The Registry's Rule 85 Report on one application (confidential *ex parte* Annex D, available only to the Prosecution).



Marc Dubuisson, Director, Division of Judicial Services
per delegation of Herman von Hebel, Registrar

Dated this 25 July 2016

At The Hague, The Netherlands