

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original : **English**

N° ICC-01/12

Date: **15 September 2015**

Date of submission: **25 October 2016**

**PRE-TRIAL CHAMBER I**

**Before: Judge Cuno Tarfusser, Single Judge**

**SITUATION IN THE REPUBLIC OF MALI**

**PUBLIC**

**with confidential redacted Annex 1 and confidential, ex parte,  
Annexes 2, 3, 4 and 5, only available to the Prosecution and Defence**

**Public redacted version of "Prosecution's Notice of Filing of  
Materials Supporting the Article 58 Application Regarding Ahmad  
AL FAQI AL MAHDI", 15 September 2015,  
ICC-01/12-01/15-23-Conf-Exp**

**Source: Office of the Prosecutor**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda

Mr James Stewart

**Counsel for the Defence**

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

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

**States' Representatives**

**Amicus Curiae**

**Other**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

1. On 7 September 2015, the Office of the Prosecutor (“Prosecution”) filed, confidentially and *ex parte*, a “*Requête urgente du Bureau du Procureur en vue de la délivrance d’un mandat d’arrêt à l’encontre d’Ahmad AL FAQI AL MAHDI*”<sup>1</sup> (“Article 58 Application”).

2. Due to the urgency of the request, on the day of filing the Prosecution provided the following supporting materials directly to the legal officers of the Single Judge:

- a. One DVD containing the documents cited in the Article 58 Application;<sup>2</sup>
- b. One memory card containing the audio-visual material cited in the Article 58 Application;<sup>3</sup> and
- c. One DVD containing a 360-degree presentation prepared by a Prosecution expert and cited in the Article 58 Application.<sup>4</sup>

3. On 9 September 2015, the Prosecution filed a “*Dépôt d’une copie vidéo (partielle) et d’une copie sonore des enregistrements de l’interview d’Ahmad AL FAQI AL MAHDI*,”<sup>5</sup> referring to additional supporting materials provided to the Single Judge’s legal officers on that date, in particular:

- a. One DVD containing the video recording of the first day of the Article 55-2 interview of Ahmad AL FAQI AL MAHDI (the remaining days of video recording being unavailable at the time);<sup>6</sup> and
- b. One DVD containing the full audio recording of the whole five days of the interview.<sup>7</sup>

4. The Prosecution hereby notifies the Single Judge that all of the materials referenced above will be provided today to the Registry, on a secret and *ex parte*

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<sup>1</sup> [REDACTED]

<sup>2</sup> See Annex 1.

<sup>3</sup> See Annex 2.

<sup>4</sup> See Annex 3.

<sup>5</sup> [REDACTED]

<sup>6</sup> See Annex 4.

<sup>7</sup> See Annex 5.

basis. Those materials will only be accessible to Pre-Trial Chamber I and the Prosecution.

5. If an arrest warrant is issued, an arrest made, and Ahmad AL FAQI AL MAHDI is transferred to the custody of the Court, the Prosecution will disclose the referenced materials in the ordinary course of disclosure under the Statute and Rules of Procedure and Evidence. The Prosecution reserves the right to seek any necessary protective measures.

6. This notice is filed "secret and *ex parte*" considering the security situation in Mali and neighbouring countries and the need to safely and effectively plan for the arrest and transfer of Ahmad AL FAQI AL MAHDI if an arrest warrant is issued.



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Fatou Bensouda, Prosecutor

Dated this 15<sup>th</sup> day of September 2015  
At The Hague, The Netherlands