

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/12-01/15
Date: 27 November 2015

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE REPUBLIC OF MALI

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

Confidential
with two confidential *ex parte* Registry and Defence only annexes
Registry's Report on the personal belongings of Mr. Ahmed Al Faqi Al Mahdi

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

Mr. James Stewart

Counsel for the Defence

Mr. Mohamed Aouini

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

REGISTRY

Registrar

Mr. Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Mr. Patrick Craig

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (the "Court");

NOTING the "Mandat d'arrêt à l'encontre d'Ahmad Al Faqi Al Mahdi", dated 18 September 2015 ("Warrant of Arrest");¹

NOTING the "Registry's report to the Chamber on the arrest and surrender of Mr Ahmad Al Faqi Al Mahdi" submitted on 1 October 2015 ("Registry's Report");²

NOTING regulations 99(1)(b) and 92(1) and (3) of the Regulations of the Court ("RoC") and regulation 189 of the Regulations of the Registry ("RoR");

CONSIDERING that the Warrant of Arrest orders « au Greffier de préparer, en consultation et en coordination avec le Bureau du Procureur, une demande de coopération adressée aux autorités du Niger, sollicitant de leur part l'adoption de toutes mesures nécessaires aux fins de procéder à la fouille d'AL FAQI au moment de son arrestation, ainsi qu'à la saisie de tout objet qui serait en sa possession et qui pourrait être utile à l'enquête et de les transmettre à la Cour dans les plus brefs délais »;³

CONSIDERING that in the Warrant of Arrest, "le juge unique estime également nécessaire, conformément à l'article 57-3-c du Statut, notamment dans le but d'assurer la préservation de tout élément de preuve qui serait disponible, qu'il soit procédé, au moment de l'arrestation d'AL FAQI, à sa fouille ainsi qu'à la saisie de tout objet qui serait en sa possession et qui pourrait être utile à l'enquête (tels que téléphones portables, ordinateurs ou assistants numériques personnels, agendas, carnets, notes ou compte rendus)";⁴

¹ ICC-01/12-01/15-1-Red.

² ICC-01/12-01/15-24-Conf.

³ ICC-01/12-01/15-1-Red, p. 9.

⁴ ICC-01/12-01/15-1-Red, paragraph 18.

CONSIDERING that on 28 September 2015, following the admission of Mr. Ahmad Al Faqi Al Mahdi ("Mr. Al Mahdi") to the Detention Centre, an inventory of personal belongings was prepared ("Inventory on Admission") pursuant to regulation 192 of the Regulations of the Registry ("RoR");

CONSIDERING the instruction of the Single Judge ("Single Judge's Instruction")⁵ of 30 September 2015 to prepare and file the present report;

RESPECTFULLY TRANSMITS the present report as confidential, pursuant to regulation 23*bis*(2) of the RoC, as it refers to the Registry Report, filed with that same classification, and the two accompanying annexes as confidential *ex parte*, Registry and Defence only, as they refer to the personal belongings of the Accused.

RESPECTFULLY INFORMS the Single Judge as follows:

1. Following the transfer of Mr. Al Mahdi to the Court, his personal belongings that were in his cell in Niger were collected by the Registry representatives and, as indicated in the Registry Report, "were neither seized nor transmitted by the authorities of Niger in the context of the implementation of the Request for Arrest and Surrender";⁶
2. Among Mr. Al Mahdi's belongings on the Inventory on Admission, some items could be considered as belonging to the category for which seizure was ordered in the Warrant of Arrest, namely those enumerated in Annex 1.
3. Upon further examination of the personal belongings of Mr. Al Mahdi, an Addendum to the Inventory on Admission ("Addendum") was made, as additional items to the initial inventory were discovered. Some of the items on the Addendum,

⁵ Email from Legal Officer on behalf of the Single Judge, 30 September 2015 at 15:45.


⁶ ICC-01/12-01/15-24-Conf, at paragraph 8.

dated 23 October 2015, could be considered as belonging to the category for which seizure was ordered in the Warrant of Arrest, namely those enumerated in Annex 2.

4. The items listed in Annexes 1 and 2 are currently in the custody of the Registry. Mr. Al Mahdi has requested that these items be returned to him. The Registry stands ready to comply with any instruction from the Single Judge.

5. As indicated in the Inventory on Admission, the remaining belongings were returned to Mr. Al Mahdi pursuant to regulation 99(1)(b) of the RoC or have otherwise been treated in accordance with regulation 192(3) of the RoR.

6. The Registry remains at the disposal of the Single Judge should he wish that the Inventory on Admission and Addendum thereto be made available.



Marc Dubuisson, Director Division of Judicial Services
on behalf of
Herman von Hebel, Registrar

Dated this 27 November 2015

At The Hague, The Netherlands