

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

No.: ICC-01/12-01/15  
Date: 4 November 2016

**TRIAL CHAMBER VIII**

**Before:** Judge Raul C. Pangalangan, Presiding Judge  
Judge Antoine Kesia-Mbe Mindua  
Judge Bertram Schmitt

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

**Public**

**With a confidential *EX PARTE* Annex, only available to the Registry**

**Registry's Observations pursuant to Trial Chamber VIII's "Order on Publicity of Case Record" (ICC-01/12-01/15-168)**

**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

Mr Jean-Louis Gilissen

**Legal Representatives of the Victims**

Mr Magombo Kassongo

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(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**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

Mr Esteban Peralta Losilla

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

Mr Patrick Craig

**Victims Participation and Reparations  
Section**

Ms Isabelle Guibal

**Other**

## I. Introduction

1. On 15 September 2016, Trial Chamber VIII ( “Chamber”) issued its “Order on Publicity of Case Record”,<sup>1</sup> in which the Single Judge directed “[...] *the parties, participants and the Registry to review all of their non-public filings in the case record, to file public redacted versions and to request reclassifications whenever possible.*”<sup>2</sup>

## II. Applicable law

2. For the purpose of the present submission, the Registry has considered articles 64(7), 64(10) and 67(1) of the Rome Statute, rule 137 (1) of the Rules of Procedure and Evidence (“RPE”) and regulation 23*bis* of the Regulations of the Court (“RoC”).

## III. Classification

3. The Registry submits the annex as confidential *EX PARTE*, only available to the Registry, in accordance with regulation 23*bis* of the RoC as it contains references to confidential and confidential *EX PARTE*, Registry only documents.

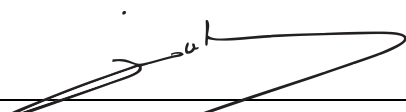
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<sup>1</sup> Trial Chamber VIII, “Order on Publicity of Case Record”, dated 15 September 2016, ICC-01/12-01/15-168.

<sup>2</sup> *Ibid*, para. 2

#### IV. Submission

4. The Annex to this submission contains a table listing non-public documents filed by the Registry and recommendations as to whether:
- a) A document should be reclassified as public; or
  - b) A public redacted version of a confidential document should be prepared and filed in the record of the case; or
  - c) The confidentiality level should remain unchanged and the reasons thereto.



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

Dated this 3 November 2016

At The Hague, The Netherlands