



Original: English

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

Date: 24 April 2017

TRIAL CHAMBER VIII

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

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

**Public
with
128 Confidential Redacted Annexes
and
One Confidential *EX PARTE* Annex, Registry and Legal Representative of Victims
only**

**Transmission to the Defence of Four Applications for Reparations and Additional
Documents in Redacted Version
and
Transmission to the Chamber of Report on Additional Documents**

Source: Registry

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

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Victims and Witnesses Section

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I. Introduction

1. The Registry hereby transmits to Trial Chamber VIII (“Chamber”) the Registry’s report on its assessment of additional documents pertaining to the applications for reparations transmitted in the record of the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* (“Al-Mahdi case”)¹ against the requirements of rule 85 of the Rules of Procedure and Evidence (“Assessment Report”) alongside confidential redacted versions of these documents to the Defence. The Registry also transmits to the Defence the redacted version of four applications for reparations.²

II. Procedural History

2. On 29 September 2016, the Chamber issued the “Reparations Phase Calendar”, indicating that any applications for reparations must be filed by 16 December 2016, and setting 11 January 2017 as the deadline for submission of any information that the parties wish for the Chamber to consider in its future reparations order.³
3. On 16 and 22 December 2016 respectively, the Registry transmitted 135 applications for reparations (“Applications”) in their original version to the

¹ Registry, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, “First Transmission and Report on Applications for Reparations”, 16 December 2016, ICC-01/12-01/15-200.

² These four applications were transmitted by the Registry to the Chamber in their original version on 24 March 2017, see Registry, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, “Second Transmission and Report on Applications for Reparations”, 24 March 2017, ICC-01/12-01/15-211, Conf-Exp-Anx1-Conf-Exp-Anx5.

³ Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, “Reparations Phase Calendar”, 29 September 2016, ICC-01/12-01/15-172, para. 2 (v).

Chamber and the Legal Representative of the Victims (“LRV”)⁴ and in a redacted version to the Defence.⁵

4. On 19 January 2017, the Chamber issued the Amended Reparations Calendar, re-setting the deadline for submission of additional information to 24 March 2017.⁶
5. On 24 February 2017, the LRV filed a request to the Chamber for authorisation to submit new applications for reparations as well as supplementary information related to the Applications.⁷
6. On 16 March 2017, the LRV submitted a request to the Chamber for an extension until 28 April 2017 of the 24 March 2017 deadline previously set by the Chamber for the submission of additional information.⁸
7. On 20 March 2017, the Chamber issued its “Decision on LRV requests for submission of additional reparation applications and for an extension of time”, directing the LRV to file any materials in his possession, including any newly collected reparation applications and supporting documents, by 24 March 2017.⁹
8. On 24 March 2017, the LRV transmitted to the Chamber the original version of additional documents related to the Applications.¹⁰
9. On that same date, the Registry transmitted to the Chamber four new applications for reparations received from the LRV (“Four Applications”),

⁴ Registry, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, “First Transmission and Report on Applications for Reparations”, 16 December 2016, ICC-01/12-01/15-200.

⁵ Registry, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, “First Transmission to the Defence of Redacted Versions of Applications for Reparations”, 22 December 2016, ICC-01/12-01/15-202 and ICC-01/12-01/15-200-Conf-Anx1-135-Red.

⁶ See *supra*, note 1, para. 8.

⁷ LRV, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, “Requête du Représentant légal des victimes aux fins d’autorisation au dépôt de demandes en réparation additionnelles”, 24 February 2017, ICC-01/12-01/15-204-Conf.

⁸ LRV, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, “Requête du Représentant légal des victimes aux fins de prorogation de délai en vertu de la Norme 35 du Règlement de la Cour”, ICC-01/12-01/15-207-Conf.

⁹ Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, “Decision on LRV requests for submission of additional reparation applications and for an extension of time”, 20 March 2017, ICC-01/12-01/15-209.

¹⁰ LRV, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, “Dépôt de pièces additionnelles en appui aux demandes en réparation déposées par le Greffe en date du 16 décembre 2016 (ICC-01/12-01/15-200)”, 24 March 2017, ICC-01/12-01/15-210-Conf+Conf-Exp-Anx1-126.

together with the Registry's report on its assessment of these four applications against the requirements of rule 85 of the Rules of Procedure and Evidence ("Rules").¹¹

III. Classification

10. In accordance with regulation 23*bis*(1) of the Regulations of the Court ("RoC"), annexes 1 to 132 to the present submission are classified as confidential, since they contain sensitive information pertaining to victims. Annex 133 is classified as confidential *ex parte*, Registry and LRV only, since it contains information that may lead to the identification of victims.

IV. Applicable Law

11. This submission is made on the basis of articles 68(1) and 75 of the Rome Statute, rules 85 and 94 of the Rules, regulation 88 of the RoC and regulation 110 of the Regulations of the Registry.


V. Submission

12. The Registry hereby transmits:

- The confidential redacted versions of the Four Applications;
- the confidential redacted versions of the Additional Documents;

¹¹ Registry, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, "Second Transmission and Report on Applications for Reparations", 24 March 2017, ICC-01/12-01/15-211, Conf-Exp-Anx1 - Conf-Exp-Anx5.

- the confidential *ex parte*, Registry and LRV only, Registry's Assessment Report.¹²



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

Dated this 24 April 2017

At The Hague, The Netherlands

¹² The Registry hereby submits an updated version of the Registry's Assessment Report filed on 24 March 2017 (Annex 5 of ICC-01/12-01/15-211). This updated version includes a new column entitled "VPRS Comments on Supplementary information" which includes information provided by the Additional Documents. Furthermore, any other new information provided by the Additional Documents which is related to the items contained in the other columns (in particular as regards the alleged harm and the reparations sought) has been added by the Registry in the relevant column of the Assessment Report in bold for ease of reference.