

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **14 April 2022**

TRIAL CHAMBER VIII

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Bertram Schmitt
Judge María del Socorro Flores Liera

SITUATION IN THE REPUBLIC OF MALI

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

Public

Fifth Order for the Publicity of the Case Record

To be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor
Mr Karim A. A. Khan

Counsel for the Defence
Mr Mohamed Aouini

Legal Representative of Victims
Mr Mayombo Kassongo

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

The Office of Public Counsel for the Defence

States Representatives
Relevant authorities of Mali

Trust Fund for Victims
Mr Pieter de Baan

REGISTRY

Registrar
Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**
Mr Philipp Ambach

Others

Trial Chamber VIII of the International Criminal Court, in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* (the ‘*Al Mahdi* case’), having regard to article 75 of the Rome Statute, rule 96 of the Rules of Procedure and Evidence (‘Rules’), and regulation 23*bis* of the Regulations of the Court (‘Regulations’) issues this Fifth Order for the Publicity of the Case Record (‘Fifth Order’).

1. On 7 July 2021, after having conducted an additional review of the publicity of its case record, the Chamber issued an Order, *inter alia*, i) asking the reclassification of certain documents as public; ii) ordering the Trust Fund for Victims (‘TFV’) to file public redacted versions of filings ICC-01/12-01/15-361-Conf, ICC-01/12-01/15-364-Conf, and ICC-01/12-01/15-368-Conf; and iii) ordering the legal representative of victims (‘LRV’), Defence, TFV, and Registry to file public redacted, or lesser redacted, versions of their filings submitted in the context of the reparations proceedings, or indicate which can be reclassified as public.¹
2. On 22 July 2021, the LRV filed its submissions requesting the reclassification as public of certain documents, and indicating documents for which he would submit public redacted versions as well as documents for which the current classification as confidential and confidential *ex parte* should be maintained.²
3. On 31 August 2021, the TFV requested³ the Chamber to reclassify as public filings ICC-01/12-01/15-361-Conf-Red, ICC-01/12-01/15-364-Conf, and ICC-01/12-01/15-368-Conf.
4. The Defence and the Registry did not make submissions.
5. Noting the TFV’s and the LRV’s submissions made in compliance with the Chamber’s Order referred above, and pursuant to regulation 23*bis*(3) of the Regulations, the Chamber hereby orders:

A. The reclassification as public, without redactions, of the following filings from the TFV and the LRV:

- i. ICC-01/12-01/15-368-Conf;
- ii. ICC-01/12-01/15-364-Conf; and

¹ Decision on the Reclassification of Filings and Order on the Publicity of the Case Record (‘7 July 2021 Order’), 7 July 2021, [ICC-01/12-01/15-394](#).

² Certificat de publicité du Représentant légal des victimes (‘LRV submission’), 22 July 2021, [ICC-01/12-01/15-399](#).

³ E-mail from the TFV to the Chamber’s Legal Officer, 31 August 2021, at 10:49 hrs.

iii. ICC-01/12-01/15-363-Conf.

B. The reclassification as public, maintaining the redactions, of the following filings from the TFV and the LRV:

- i. ICC-01/12-01/15-389-Conf-Red;
- ii. ICC-01/12-01/15-361-Conf-Red; and
- iii. ICC-01/12-01/15-356-Conf-Red.

6. In light of the request for reclassification by the LRV, the Chamber considers it also appropriate to order the reclassification as public of decision ICC-01/12-01/15-359-Conf.

7. Having reviewed the factual and legal basis provided by the LRV justifying the need to maintain the confidentiality of a series of documents,⁴ in light of the applicable legal framework, the Chamber is satisfied that the basis for the classification of the following documents as confidential and confidential *ex parte* continues to exist and should therefore be maintained:

- i. ICC-01/12-01/15-382-Conf-Exp-AnxA and ICC-01/12-01/15-382-Conf-Exp-AnxB;
- ii. ICC-01/12-01/15-378-Conf-AnxA, ICC-01/12-01/15-378-Conf-AnxB, and ICC-01/12-01/15-378-Conf-Exp-AnxC;
- iii. ICC-01/12-01/15-367-Conf-AnxA;
- iv. ICC-01/12-01/15-363-Conf-AnxA;
- v. ICC-01/12-01/15-362-Conf-Exp-AnxA;
- vi. ICC-01/12-01/15-360-Conf-AnxA, ICC-01/12-01/15-360-Conf-Exp-AnxB, and ICC-01/12-01/15-360-Conf-Exp-AnxC; and
- vii. ICC-01/12-01/15-355-Conf-Exp-AnxA.

8. In order to give to give full effect to the principle of publicity of the reparations proceedings, the Chamber hereby directs the Registry, TFV, and LRV, to file public redacted versions, lesser redacted versions of the public redacted versions, request the reclassification as public, or justify the need to maintain the current classification of the following documents within one month from the notification of the present decision:

⁴ LRV submission, [ICC-01/12-01/15-399](#), paras 3, 6.

A. Filings from the Registry:

- i. ICC-01/12-01/15-267-Conf; and
- ii. ICC-01/12-01/15-232-Conf-Exp.

B. Filings from the TFV:

- i. ICC-01/12-01/15-441-Conf;
- ii. ICC-01/12-01/15-386-Conf;
- iii. ICC-01/12-01/15-381-Conf;
- iv. ICC-01/12-01/15-377-Conf;
- v. ICC-01/12-01/15-371-Conf;
- vi. ICC-01/12-01/15-366-Conf;
- vii. ICC-01/12-01/15-358-Conf-Exp;
- viii. ICC-01/12-01/15-291-Conf-Red;
- ix. ICC-01/12-01/15-265-Corr-Red;
- x. ICC-01/12-01/15-256-Conf-Exp; and
- xi. ICC-01/12-01/15-253-Conf-Red3.

C. Filings from the LRV:

- i. ICC-01/12-01/15-440-Conf-Corr;
- ii. ICC-01/12-01/15-370-Conf;
- iii. ICC-01/12-01/15-315-Red; and
- iv. ICC-01/12-01/15-271-Conf.

D. Joint Submission from the LRV and the TFV:

- i. ICC-01/12-01/15-348-Conf-Exp-AnxA.

E. Filing from the authorities of Mali:

- i. ICC-01/12-01/15-312-Conf-Anx.

9. Finally, the Chamber reiterates its order for the LRV, Defence, TFV, and Registry to continue to review their record on reparations and to file public redacted or lesser redacted versions of their filings submitted in the context of the reparations proceedings, or to

indicate which can be reclassified as public within one month from the notification of the present decision.⁵

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY,

ORDERS the reclassification as public, without redactions, of the following filings from the TFV and the LRV: ICC-01/12-01/15-368-Conf; ICC-01/12-01/15-364-Conf; and ICC-01/12-01/15-363-Conf;

ORDERS the reclassification as public, with redactions, of the following filings from the TFV and the LRV: ICC-01/12-01/15-389-Conf-Red; ICC-01/12-01/15-361-Conf-Red; and ICC-01/12-01/15-356-Conf-Red;

ORDERS the classification as public of decision ICC-01/12-01/15-359-Conf;

DIRECTS the Registry, TFV, and LRV, to file public redacted versions, lesser redacted versions of the public redacted versions, request the reclassification as public, or justify the need to maintain the current classification of the following documents, within one month from the notification of the present decision: ICC-01/12-01/15-267-Conf; ICC-01/12-01/15-232-Conf-Exp; ICC-01/12-01/15-441-Conf; ICC-01/12-01/15-386-Conf; ICC-01/12-01/15-381-Conf; ICC-01/12-01/15-377-Conf; ICC-01/12-01/15-371-Conf; ICC-01/12-01/15-366-Conf; ICC-01/12-01/15-358-Conf-Exp; ICC-01/12-01/15-291-Conf-Red; ICC-01/12-01/15-265-Corr-Red; ICC-01/12-01/15-256-Conf-Exp; ICC-01/12-01/15-253-Conf-Red3; ICC-01/12-01/15-440-Conf-Corr; ICC-01/12-01/15-370-Conf; ICC-01/12-01/15-315-Red; ICC-01/12-01/15-271-Conf; and ICC-01/12-01/15-348-Conf-Exp-AnxA;

DIRECTS the relevant authorities of Mali to a file public redacted version, request the reclassification as public, or justify the need to maintain the current classification of ICC-01/12-01/15-312-Conf-Anx, within one month from the notification of the present decision;

REITERATES its order for the LRV, Defence, TFV, and Registry to continue to review their record on reparations and to file public redacted or lesser redacted versions of their filings submitted in the context of the reparations proceedings, or to indicate which can be reclassified as public, within one month from the notification of the present decision.

⁵ 7 July 2021 Order, [ICC-01/12-01/15-394](#), para. 6.

Done in both English and French, the English version being authoritative.



Judge Antoine Kesia-Mbe Mindua, Presiding Judge



Judge Bertram Schmitt



Judge María del Socorro Flores Liera

Dated this Thursday, 14 April 2022

At The Hague, The Netherlands