

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/12-01/15
Date: 6 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. AHMAD AL FAQI AL MAHDI***

Public

**Decision on the adoption of a protocol on the handling of confidential
information**

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart

Counsel for the Defence

Mohamed Aouini

Legal Representatives of the Victims

Legal Representatives of the 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

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Cuno Tarfusser, Single Judge exercising the functions of the Chamber in the present case, taking note of articles 43(6), 54(1)(b), 67(1) and (2), 68 of the Statute, rules 17, 18, 76, 77, 87, 88 of the Rules of Procedure and Evidence, and articles 8 and 29 of the Code of Professional Conduct for counsel, issues this decision on the adoption of a protocol on the handling of confidential information.

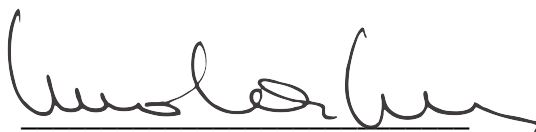
1. On 12 October 2015, the Prosecutor filed a request for the Single Judge to adopt a protocol on the handling of confidential information (ICC-01/12-01/15-29), indicating that the Prosecutor and the Defence agreed to the protocol as annexed to the request. According to the Prosecutor, the protocol agreed upon by the parties corresponds in significant parts to the protocols adopted in the cases of *The Prosecutor v. Bosco Ntaganda* and *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, respectively.

2. The Single Judge notes that to date, different Chambers at the Court have adopted varying versions of a protocol concerning the handling of confidential information during investigations and contact between a party or participant and witnesses of the opposing party or of a participant. In the present case, the parties shall apply a protocol, as annexed to this decision, which aims to unify prior approaches and is apt for adoption in different cases and at different stages of proceedings before the Court. While the protocol differs in some points from the protocol agreed upon by the parties, these differences do in general not affect the substance of the procedures to be followed by the parties.

FOR THESE REASONS, THE SINGLE JUDGE

DECIDES that the parties shall apply the protocol on the handling of confidential information as annexed to the present decision.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

Judge Cuno Tarfusser
Single Judge

Dated this 6 November 2015

At The Hague, The Netherlands