

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 January 2016

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

Public redacted version of the “Decision concerning the Defence request to postpone the confirmation of charges hearing”

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, noting article 61(1) of the Statute and rule 121(7) of the Rules of Procedure and Evidence, issues this decision on the "*Requête de la Défense en vue de solliciter le report de la date de l'audience de confirmation des charges fixée par la Chambre Préliminaire au 18 janvier 2016*", filed on 7 January 2016 (see ICC-01/12-01/15-69-Red, "Request").

1. In the Request, the Defence asks that the hearing on the confirmation of charges, which the Single Judge scheduled to start on 18 January 2016 during the initial appearance of Ahmad Al Faqi Al Mahdi on 30 September 2015, be postponed until 21 March 2016. The Defence submits the hearing should be delayed because: (i) it has been impacted in its preparations for the hearing by the need for translating disclosed material to Ahmad Al Faqi Al Mahdi and the delay in providing a computer for his use, as well as by other difficulties concerning the access and use of programs necessary to assess the material disclosed by the Prosecutor up until mid-December 2015, including in connection with the Court's move to its permanent premises; (ii) these delays and difficulties have also [REDACTED]; and (iii) [REDACTED].

2. In her response filed on 8 January 2016 (see ICC-01/12-01/15-71-Red), the Prosecutor supports the Request, arguing in particular that a postponement would allow (i) [REDACTED], and (ii) [REDACTED]. The Prosecutor further acknowledges the technical and logistical challenges highlighted by the Defence, while pointing out that she fully complied with her disclosure obligations.

3. Based on the information made available by the parties, the Single Judge is satisfied that [REDACTED] warrant that the confirmation hearing is postponed until such time as it is required [REDACTED]. In particular, the Single Judge is mindful that [REDACTED].

4. Having [REDACTED], the Single Judge takes the view that it is appropriate to postpone the confirmation hearing until Tuesday 1 March 2016.

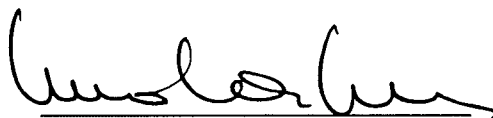
5. The Single Judge is confident that the postponement will also allow the Defence to overcome any and all difficulties it might have encountered in its preparation so far, including those of a technical nature. Whilst noting that this is not the decisive factor ultimately warranting the postponement of the hearing, the confirmation proceedings as a whole will benefit from the Defence being able to effectively complete its preparation.

FOR THESE REASONS, THE SINGLE JUDGE

GRANTS the Request;

DECIDES that the confirmation hearing will start on Tuesday 1 March and, if necessary, will continue on Wednesday 2 March 2016.

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



Judge Cuno Tarfusser
Single Judge

Dated this 13 January 2016

At The Hague, The Netherlands