



Original: English

No.: ICC-01/12-01/15  
Date: 19 February 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**

**Decision on the Prosecutor's "*Demande de remise d'objets en possession  
desquels le Greffe est entré lors de l'arrestation de M. Ahmad Al Faqi Al  
Mahdi*"**

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**

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**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 57(3)(a) and (c) of the Statute, issues this decision on the Prosecutor's "*Demande de remise d'objets en possession desquels le Greffe est entré lors de l'arrestation de M. Ahmad Al Faqi Al Mahdi*" (ICC-01/12-01/15-73-Conf, "Prosecutor's Request").

1. In the warrant of arrest for Ahmad Al Faqi Al Mahdi issued on 18 September 2015 (ICC-01/12-01/15-1-Red), the Single Judge ordered, *inter alia*, that with a view to preserving any potential evidence, at the moment of his arrest, Ahmad Al Faqi Al Mahdi should be searched and any potentially relevant material in his possession seized.

2. On 9 December 2015, the Single Judge granted the Prosecutor's Request to inspect the personal belongings handed over to the Registry following the arrest of Ahmad Al Faqi Al Mahdi (ICC-01/12-01/15-57). The Prosecutor (i) reports that the authorised inspection took place on 20 January 2016 in the presence of a representative of the Registry and of Counsel for Mr Al Mahdi and (ii) requests to be handed over three specific items among those seized and inspected, submitting that they would be of interest for the pursuit of the investigations and that they would need to be properly analysed and registered. The Prosecutor does not object to the remaining items being returned to Mr Al Mahdi.

3. The Single Judge considers that the Prosecutor's Request is grounded in the evidentiary reasons underlying the order to seize material in the possession of Mr Al Mahdi at the time of his arrest. By the same token, the requested items must only be retained by the Prosecutor to the extent that retention is strictly necessary to preserve those evidentiary needs and should be promptly returned to Mr Al Mahdi once those needs are fully satisfied.

**FOR THESE REASONS, THE SINGLE JUDGE**

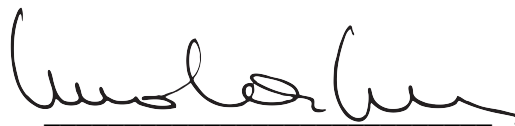
**GRANTS** the Prosecutor's Request;

**ORDERS** the Registry to hand over to the Prosecutor the items listed in paragraph 4 of the Prosecutor's Request and to promptly return to Ahmad Al Faqi Al Mahdi all the other personal belongings inspected by the Prosecutor;

**ORDERS** the Prosecutor to promptly return to Ahmad Al Faqi Al Mahdi the items listed in paragraph 4 of the Prosecutor's Request once the evidentiary needs underlying the Request will have been satisfied;

**ORDERS** the Prosecutor to file a public redacted version of the Request as soon as practicable.

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



**Judge Cuno Tarfusser**  
**Single Judge**

Dated this 19 February 2016

At The Hague, The Netherlands