

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 19 July 2017

TRIAL CHAMBER VIII

Before: Judge Raul C. Pangalangan, Single Judge

SITUATION IN THE REPUBLIC OF MALI

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

Public

Decision on Defence Request Concerning 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

Ms Fatou Bensouda

Mr James Stewart

Mr Gilles Dutertre

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

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Judge Raul C. Pangalangan, acting as Single Judge on behalf of Trial Chamber VIII ('Single Judge' and 'Chamber', respectively) of the International Criminal Court issues the following 'Decision on Defence Request Concerning the Publicity of the Case Record', in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, having regard to Articles 64(7) and 67(1) of the Rome Statute and Regulations 23 *bis* and 35 of the Regulations of the Court.

1. On 4 November 2016, the Chamber requested the parties, participants and the Registry to review all of their non-public filings in the case record, to file public redacted versions and to request reclassifications whenever possible.¹ The parties, participants and the Registry complied with this order.²
2. On 11 July 2017, the Chamber issued another 'Order on Publicity of Case Record' to address the confidential submissions that had been filed in the meantime.³ In this order the Chamber, *inter alia*, directed the Defence to file public redacted versions of ICC-01/12-01/15-198-Conf, ICC-01/12-01/15-221-Conf and ICC-01/12-01/15-226-Conf or to request reclassification by 14 July 2017.⁴
3. On 14 July 2017, the Defence filed a request concerning the implementation of said order ('Request'),⁵ asking the Chamber to order the public reclassification of ICC-01/12-01/15-221-Conf;⁶ and to grant the Defence an extension of time of about eight days, starting at the availability of public redacted versions of the

¹ Order on Publicity of Case Record, 15 September 2016, ICC-01/12-01/15-168, para. 2.

² *Certificat de publicité de l'Accusation*, 4 November 2016, ICC-01/12-01/15-181 with one public annex; *Certificat de publicité de la Défense*, 4 November 2016, ICC-01/12-01/15-184 (notified on 7 November 2016); *Observations du Représentant légal des victimes en conformité avec l'« Order on Publicity of Case Record » du 15 September 2016*, 4 November 2016, ICC-01/12-01/15-183; Registry's Observations pursuant to Trial Chamber VIII's "Order on Publicity of Case Record" (ICC-01/12-01/15-168), 4 November 2016, ICC-01/12-01/15-182 with one confidential *ex parte* annex.

³ Order on Publicity of Case Record, 11 July 2017, ICC-01/12-01/15-228, para. 3.

⁴ Order on Publicity of Case Record, 11 July 2017, ICC-01/12-01/15-228, para. 3.

⁵ *Etat de l'exécution par la Défense de l'ordonnance ICC-01/12-01/15-228 de la Chambre*, 14 July 2017, ICC-01/12-01/15-229-Corr (corrigendum notified on 17 July 2017).

⁶ *Réponse à la requête ICC-01/12-01/15-218-Conf-Red du représentant légal des victimes*, 26 May 2017.

expert reports cited in ICC-01/12-01/15-226-Conf,⁷ to submit a public redacted version of the latter document.⁸ The Defence makes this request so that it can prepare redactions to its submissions related to the expert reports on the basis of the public redacted versions of these reports.

4. The Single Judge considers the Defence request to be a modest extension of time in order to create consistency in how confidential information is redacted across the case record. For the reasons provided by the Defence, the Single Judge considers that the Request may be granted.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Request;

ORDERS the Registry to reclassify ICC-01/12-01/15-221-Conf as public; and

ORDERS the Defence to file a public redacted version of ICC-01/12-01/15-226-Conf, or request reclassification thereof, within eight days of notification of the public redacted versions of the three expert reports annexed to filing ICC-01/12-01/15-214.⁹

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



Judge Raul C. Pangalangan, Single Judge

Dated 19 July 2017

At The Hague, The Netherlands

⁷ Final Submissions of the Defence for Mr Al Mahdi in Anticipation of the Order for Reparations, 16 June 2017.

⁸ *Etat de l'exécution par la Défense de l'ordonnance ICC-01/12-01/15-228 de la Chambre*, 14 July 2017, ICC-01/12-01/15-229-Corr, paras 3-4.

⁹ Transmission of Experts' Reports pursuant to Trial Chamber Decision ICC-01/12-01/15-203-Red of 19 January 2017, 1 May 2017.