

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 March 2019

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, with annex

Third Order on Publicity of Case Record

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

The Office of the Prosecutor

M 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

Trust Fund for Victims

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

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 'Third Order on Publicity of 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 ('Statute') and Regulation 23 *bis* of the Regulations of the Court.

1. On 4 November 2016, in accordance with a Single Judge order to this effect,¹ the Office of the Prosecutor, the defence team for Mr Al Mahdi ('Defence'), the Legal Representative of Victims ('LRV') and the Registry filed certifications that their filings were as public as possible and requested reclassifications of certain filings.²
2. On 2 December 2016, the Single Judge granted requested reclassifications, ordered public redacted versions of certain filings and ordered that decisions issued by way of email up to that point be made public.³
3. On 11 July 2017, the Single Judge ordered the further reclassification of selected documents.⁴ This decision also included documents filed by experts in relation to reparations. Finally, the Victims Participation and Reparation Section ('VPRS') was ordered to file public redacted versions of reparations applications. This was ordered in conjunction with an order to liaise with the Trust Fund for Victims ('TFV') to determine which filings should be communicated to it.
4. The Single Judge notes the length of time since these past rulings and the fact that the Chamber has now issued what is expected to be its last decision on the framework for implementing reparations.⁵ Mindful of the principle of publicity as

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

² *Certificat de publicité de l'Accusation*, ICC-01/12-01/15-181 with one public annex ; *Certificat de publicité de la Défense*, 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*, 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), ICC-01/12-01/15-182 with one confidential, *ex parte*, annex.

³ Decision on Publicity of Case Record, 2 December 2016, ICC-01/12-01/15-186 with two public annexes.

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

⁵ Decision on the Updated Implementation Plan from the Trust Fund for Victims, 4 March 2019, ICC-01/12-01/15-324-Red (confidential version notified same day).

set forth in Articles 64(7) and 67(1) of the Statute, the Single Judge considers it appropriate to conduct a further review of the case record. The Single Judge directs the LRV, Defence, TFV and the Registry to certify that their respective filings in the case record are as public as possible.

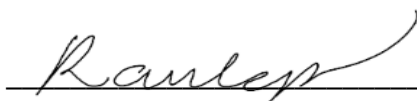
5. Finally, in line with its previous order,⁶ the Single Judge directs the Registry to file all email decisions rendered since the last compilation.⁷ These decisions are listed in the annex of the present order. Redactions shall be applied in accordance with the Single Judge's prior directions.⁸ Once all email decisions have been filed, the Registry is to prepare a master list clearly indicating the document number, date and title of every email decision rendered in this case.⁹

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

DIRECTS the Defence, LRV, TFV and Registry to file the certifications set out in paragraph 4 above by 18 July 2019; and

DIRECTS the Registry to file all outstanding email decisions in the case record, complete with a master list, as specified in paragraph 5 above.

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



Judge Raul C. Pangalangan, Single Judge

Dated 7 March 2019

At The Hague, The Netherlands

⁶ ICC-01/12-01/15-228.

⁷ Implementation of Trial Chamber VIII's "Decision on Publicity of Case Record" (ICC-01/12-01/15-186), 21 December 2016, ICC-01/12-01/15-201 (with 36 annexes).

⁸ ICC-01/12-01/15-186-AnxA, n. 1.

⁹ This essentially amounts to an updated version of ICC-01/12-01/15-201-AnxA.