

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **18 July 2019**

TRIAL CHAMBER VIII

Before:

**Judge Raul C. Pangalangan, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Bertram Schmitt**

SITUATION IN THE REPUBLIC OF MALI

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

Public redacted version

**Trust Fund's certification that the case record is as public as possible pursuant to
decision ICC-01/12-01/15-327**

Source:

The Trust Fund for Victims

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

Office of the Prosecutor

Mr Fatou Bensouda
Mr James Stewart
Mr Gilles Dutertre

Counsel for the Defence

Mr Mohamed Aouini

Legal Representatives of Applicants

Legal Representatives of Victims

Mr Mayombo Kassongo

Unrepresented Applicants for

Participation/Reparation

Unrepresented Victims

Office of Public Counsel for the Defence

Office of Public Counsel for

Victims

States' Representatives

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Detention Section

Victims and Witnesses Section

Mr Nigel Verrill

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. BACKGROUND

1. On 4 November 2016, in accordance with a Single Judge order to this effect,¹ the Office of the Prosecutor ('Prosecution'), 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 as public of certain filings.²
2. On 11 July 2018, the Single Judge ordered the further reclassification of selected documents ("Second Order on Publicity").³
3. On 7 March 2019, the Single Judge ordered the Defence, the LRV, the TFV and the Registry to conduct a review of the case record and file certifications that their respective filings are as public as possible by 18 July 2019 ("7 March 2019 Order").⁴

II. CLASSIFICATION OF THE PRESENT SUBMISSION

4. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the Trust Fund has classified this report as confidential to protect information on the reasons for the confidential classification of certain filings. A public redacted version is filed simultaneously.

III. SUBMISSIONS

5. In compliance with the 7 March 2019 Order, the Trust Fund has reviewed all documents submitted since the issuance of the Second Order on Publicity, i.e. since 11 July 2018.⁵ Since then, and taking into account the particularly volatile situation in Timbuktu and in Mali in general, the Trust Fund has consistently kept information confidential that relates to the planning and implementation of activities in Mali, identifying information of its staff and of potential beneficiaries for individual

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 ('LRV Observations'); 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 Order on Publicity of Case Record, ICC-01/12-01/15-228.

⁴ Third Order on Publicity of Case Record, 7 March 2019, ICC-01/12-01/15-327, para. 4 and disposition.

⁵ Order on Publicity of Case Record, ICC-01/12-01/15-228.

reparations. The Trust Fund submits that the reasons for this classification still exist. First, the security situation in Timbuktu has deteriorated in the last months. Second, the Trust Fund's visibility in Timbuktu is currently intensifying as Trust Fund staff in Bamako is actively circulating the expressions of interest launched in relation to the collective economic and moral awards. [REDACTED]. Lastly, as the [REDACTED].

6. With the submission of public redacted versions of all outstanding update reports,⁶ the Trust Fund hereby certifies that its case record is as public as possible.

7. The Trust Fund will continue to monitor the situation and will proceed to lift redactions on an ongoing manner and as soon as the situation permits.



Pieter W.I. de Baan
Executive Director of the Trust Fund for Victims,
on behalf of the Board of Directors of the Trust Fund for Victims

Dated this 18 July 2019
At The Hague, The Netherlands

⁶ With the exception of the First Monthly Report and of the Fifth Monthly Report, for which a public redacted version already exists. For the reasons stated above, information contained in the Seventh Monthly Report, the Eighth Update Report, in the Ninth Update Report and all annexes to the update reports remains confidential for the moment.