

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 20 February 2020

**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***

**Urgent**

**Public**

**Prosecution's Request regarding applications for individual reparations**

**Source: Office of the Prosecutor**

Document 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

**Counsel for the Defence**

Mr Mohamed Aouini

**Legal Representatives 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**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Other**

## Introduction

1. Following the discussions at the second status conference held on 18 February 2020 (“Status Conference”) in the *Al Hassan* case, the Office of the Prosecutor (“Prosecution”) requests the Single Judge of Trial Chamber VIII (“Chamber”) to direct the Victims Participation and Reparations Section (“VPRS”) of the Registry to assist the Prosecution in identifying any applicants for individual reparations in *Al Mahdi* who are also Prosecution witnesses in *Al Hassan*, and to provide it with unredacted versions of applications of such individuals, if any.
2. At the Status Conference, the Defence for *Al Hassan* raised its concerns that applicants for reparations in *Al Mahdi* might include Prosecution witnesses in *Al Hassan* due to the linkage between the two cases regarding the war crime of attacks against cultural property. It requested disclosure of information related to such applicants on the ground that it could be relevant to the *Al Hassan* case, for example where the applications had been rejected in *Al Mahdi* due to issues with identification documents. In response, the Prosecution proposed to approach this Chamber to address this issue, which the Single Judge of Trial Chamber X encouraged to pursue.
3. The Prosecution accordingly requests the Single Judge’s authorisation to proceed as follows:
  - ) the Prosecution will liaise with the VPRS to verify the existence of any applicants for individual reparations in *Al Mahdi* who are also Prosecution witnesses in *Al Hassan*, and to obtain information regarding the status of their applications;
  - ) if any such applicants are identified, the VPRS will transmit to the Prosecution unredacted versions of their applications, together with any

supporting documents and information regarding the status of their applications; and

J) the Prosecution will apply redactions, as necessary and in consultation with the VPRS and the LRV, before disclosing the applications and supporting documents to the Defence for Al Hassan. The Prosecution will ensure that redactions applied are consistent with those applied to their statements and other material already disclosed to the Defence pursuant to the *Decision on the Evidence Disclosure Protocol and Other Related Matters*<sup>1</sup> and any decision of Pre-Trial Chamber I and Trial Chamber X on protective measures.

4. This request is classified as urgent considering the date set for the start of trial in the *Al Hassan* case (14 July 2020).

#### **Relief requested**

5. The Prosecution respectfully requests the Single Judge to issue directions based on its proposal above.



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Fatou Bensouda, Prosecutor

Dated this 20<sup>th</sup> day of February 2020  
At The Hague, The Netherlands

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<sup>1</sup> ICC-01/12-01/18-31-tENG-Corr.