

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **7 July 2021**

TRIAL CHAMBER VIII

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Bertram Schmitt
Judge María del Socorro Flores Liera

SITUATION IN THE REPUBLIC OF MALI

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

Public, with annex

**Decision on the Reclassification of Filings and
Order on the Publicity of the Case Record**

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

Office of the Prosecutor

Karim A. A. Khan
James Stewart
Gilles Dutertre

Counsel for the Defence

Mohamed Aouini

Legal Representatives of Victims

Mayombo Kassongo

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**Office of Public Counsel for
Victims**

Office of Public Counsel for the Defence

States' Representatives

Others

Trust Fund for Victims

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Others

TRIAL CHAMBER VIII of the International Criminal Court hereby issues the ‘Decision on the Reclassification of Filings and Order on 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 (the ‘Statute’) and Regulations 23bis of the Regulations of the Court.

1. The last order on the publicity of the case record was issued in March 2019.¹
2. In its latest update report on the implementation of reparations, the Trust Fund for Victims (the ‘TFV’) indicates having reviewed its case record with a view to ensuring it being as public as possible, and requests reclassification as ‘public’ of a certain number of its submissions.² The TFV also indicates that it would file public redacted or lesser redacted versions of a number of other filings.³
3. Having reviewed the filings which the TFV requests to reclassify as public, and in light of the reasons provided by the TFV for which these submissions no longer need to remain confidential, the Chamber is of the view that the filings concerned can indeed be reclassified as ‘public’. Further, the Chamber is also of the view that the TFV, as alluded to in its report,⁴ should file public redacted versions of filings ICC-01/12-01/15-361-Conf, ICC-01/12-01/15-364-Conf and ICC-01/12-01/15-368-Conf.
4. In light of the request for reclassification by the TFV, the Chamber considers it also appropriate to reclassify as ‘public’ decision ICC-01/12-01/15-374-Conf.
5. Furthermore, bearing in mind the length of time that has passed since the last order on the publicity of the case record, the Chamber, in particular bearing in mind the principle of publicity of the case record as set out in Articles 64(7) and 67(1) of the Statute, also considers it appropriate to conduct an additional review of the case record.
6. For this purpose, in addition to the TFV’s review of its submissions, also the legal representative of victims, the Defence and the Registry are to review their submissions made in the context of the reparations proceedings and indicate which of their filings

¹ Third Order on Publicity of Case Record, 7 March 2019, ICC-01/12-01/15-327.

² Twentieth update report on the updated implementation plan and request to reclassify as public portions of the case record, 19 May 2021, ICC-01/12-01/15-386-Conf (hereinafter: ‘20th Update Report’), paras 54, 57-60.

³ 20th Update Report, ICC-01/12-01/15-386-Conf, para. 56.

⁴ 20th Update Report, ICC-01/12-01/15-386-Conf, para. 61.

could be reclassified as ‘public’, or otherwise submit public redacted or lesser redacted versions of their filings, as appropriate, within two weeks of notification of this decision.

7. Finally, the Chamber considers that all email decisions issued since the last order on the publicity of the case record should be filed in the case record by the Registry. These decisions are listed in the annex to the present decision. Redactions shall be applied in accordance with the Single Judge’s prior directions.⁵

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

GRANTS the request of the Trust Fund for Victims to reclassify as ‘public’ filings ICC-01/12-01/15-274-Conf; ICC-01/12-01/15-283-Conf-AnxI; ICC-01/12-01/15-289-Conf-Anx1; ICC-01/12-01/15-289-Conf-Anx2; ICC-01/12-01/15-289-Conf-Anx3; ICC-01/12-01/15-289-Conf-Anx4; ICC-01/12-01/15-299-Conf-Anx1; ICC-01/12-01/15-299-Conf-Anx2; ICC-01/12-01/15-299-Conf-Anx3; ICC-01/12-01/15-299-Conf-Anx4; ICC-01/12-01/15-305-Conf-Anx1; ICC-01/12-01/15-314-Conf; and ICC-01/12-01/15-372-Conf;

ORDERS the Trust Fund for Victims to file public redacted versions of filings ICC-01/12-01/15-361-Conf, ICC-01/12-01/15-364-Conf and ICC-01/12-01/15-368-Conf within two weeks after notification of the present decision;

ORDERS the legal representative of victims, Defence, Trust Fund for Victims and Registry to file public redacted, or lesser redacted, versions of their respective filings submitted in the context of the reparations proceedings, or indicate which can be reclassified as ‘public’, no later than two weeks after notification of the present decision;

INSTRUCTS the Registry to reclassify as ‘public’ the following filings:

- ICC-01/12-01/15-274-Conf;
- ICC-01/12-01/15-283-Conf-AnxI;
- ICC-01/12-01/15-289-Conf-Anx1;
- ICC-01/12-01/15-289-Conf-Anx2;

⁵ See Decision on Publicity of Case Record, 2 December 2016, ICC-01/12-01/15-186, at Annex A, ICC-01/12-01/15-186-AnxA, n. 1.

- ICC-01/12-01/15-289-Conf-Anx3;
- ICC-01/12-01/15-289-Conf-Anx4;
- ICC-01/12-01/15-299-Conf-Anx1;
- ICC-01/12-01/15-299-Conf-Anx2;
- ICC-01/12-01/15-299-Conf-Anx3;
- ICC-01/12-01/15-299-Conf-Anx4;
- ICC-01/12-01/15-305-Conf-Anx1;
- ICC-01/12-01/15-314-Conf;
- ICC-01/12-01/15-372-Conf; and
- ICC-01/12-01/15-374-Conf; and

DIRECTS the Registry to file all outstanding email decisions in the case record, with appropriate redactions as necessary.

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



Judge Antoine Kesia-Mbe Mindua, Presiding Judge



Judge Bertram Schmitt



Judge María del Socorro Flores Liera

Dated 7 July 2021

At The Hague, The Netherlands