

# **ANNEX 1**

## **PUBLIC**

**From:** Trial Chamber VIII Communications  
**Sent:** 07 December 2016 15:55  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Trust Fund for Victims request for access

Dear Counsel,

On 5 December 2016, by way of an *ex parte* email to the Chamber, the Prosecution responded, requesting authorisation to redact the identity and identifying information of P-104 because of the security situation in Mali. The Single Judge grants the request and directs the Prosecution to redact the name and identifying information of P-104 from MLI-OTP-0024-0537 and its metadata as soon as practicable and in any event no later than 12 December 2016.

Kind regards,

[REDACTED] on behalf of the Chamber.

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From: Trial Chamber VIII Communications

[REDACTED]  
 Subject: RE: Trust Fund for Victims request for access

Dear All:

In relation to the Prosecution's request of 29 November 2016 at 15:37, the Prosecution is granted an extension until 6 December 2016 to make a final decision on whether it objects to the request of the Trust Fund for Victims. If the Prosecution objects to the provision of P-104's report as of this date, it must inform the Chamber, by way of a separate email as necessary, of: (i) the specific reasons why P-104's identity cannot be disclosed on a confidential basis to the Trust Fund for Victims and (ii) whether providing a version of the report redacting P-104's name would resolve the Prosecution's objection.

Best,

[REDACTED] on behalf of Trial Chamber VIII

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From: [REDACTED]

[REDACTED]  
 [REDACTED]  
 Subject: RE: Trust Fund for Victims request for access  
 Importance: High

Dear Trial Chamber VIII,

1. The email below refers.
2. The Prosecution has tried to reach the aforementioned expert witness but to no avail.
3. As a consequence, the Prosecution is hereby requesting a delay of one week to persevere in its efforts to contact the witness.
4. In the meantime and pending contact with the witness, the position of the Prosecution is that access to the referred document should not be granted due to security implications.

Yours respectfully,

[REDACTED] on behalf of Gilles Dutertre



Cour  
Pénale  
Internationale  
International  
Criminal  
Court

[REDACTED]  
Trial Lawyer  
Office of the Prosecutor  
International Criminal Court  
[REDACTED], 2597 AK, The Hague

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From: Dutertre, Gilles

Sent: 23 November 2016 16:27

Chamber VIII Communications: [REDACTED]

Subject: RE: Trust Fund for Victims request for access

Dear All,

The Prosecution has no objection subject to prior information given to the expert witness. I trust he will have no objection so long his name does not go out and so long the report is treated as confidential material (he travels regularly to Mali).

I will come back to you asap (the witness is not easily reachable).

Best

Gilles

Gilles Dutertre



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From: Trial Chamber VIII Communications  
Sent: 23 November 2016 15:18

Subject: RE: Trust Fund for Victims request for access

Dear Registry,

This is in relation to the Trust Fund for Victims request of 23 November 2016 at 13:32 (see below). Unless the parties or Prosecution object within five days of this communication, the Registry is to provide the Trust Fund for Victims access to document MLI-OTP-0024-0537.

Best,

on behalf of Trial Chamber VIII

6 13:32

To: Trial Chamber VIII Communications

Dear Trial Chamber VIII,

In order to prepare its upcoming submissions relevant to the reparations proceedings, the Trust Fund wishes to ensure that its submissions are properly informed by the Trial Chamber's findings relevant to the harms caused to the victims in the *Al-Mahdi* case. In this respect, the Trust Fund has noted the Trial Chamber's statement regarding the "moral and economic harm suffered by the victims of the present case" at paragraph 108 in the Judgment and Sentence. This statement is footnoted (footnote 184) to an expert report to which the Trust Fund currently does not have access.

The Trust Fund therefore respectfully requests access to the report, or the redacted version thereof, of Expert Witness P-104 (MLI-OTP-0024-0537). Please let me know if the Chamber would prefer that the Trust Fund file a formal request.

Warm regards,



Visiting address: Oude Waalsdorperweg 10, 2597 AK, The Hague  
Mail address: PO Box 19519, 2500 CM, The Hague

<http://www.trustfundforvictims.org/>

This e-mail, and any file transmitted with it, is confidential and intended solely for the use of the individual or entity to whom it is addressed. If you have received this email in error, please contact the sender and delete the email from your system. If you are not the named addressee you should not disseminate, distribute or copy this email.