

ANNEX 2

PUBLIC

From: Trial Chamber VIII Communications
Sent: 11 October 2019 15:44
To: [REDACTED]; Trial Chamber VIII Communications
Cc: de Baan, Pieter; [REDACTED] Ambach, Philipp; [REDACTED]
 [REDACTED] Kassongo, Mayombo; [REDACTED]
 'maouini [REDACTED]
Subject: RE: request to lift redactions from the TFV Updated Implementation Plan (Al Mahdi)
Follow Up Flag: Follow up
Flag Status: Flagged

Dear TFV:

Though the Chamber appreciates being informed of the TFV's intentions, the TFV does not require permission to file a (lesser) redacted version of its filings. The Chamber's power under Regulation 23 *bis*(3) of the Regulations of the Court is only engaged when a document is to be reclassified. The TFV's proposed course of action does not change the classification level of ICC-01/12-01/15-324-Conf, which is why this is not a Regulation 23 *bis* issue.

Accordingly, no permission from the Chamber is required for the TFV to proceed as indicated.

Best,

[REDACTED] on behalf of Trial Chamber VIII

From: [REDACTED]
Sent: 11 October 2019 14:43
To: Trial Chamber VIII Communications
Cc: [REDACTED] de Baan, Pieter; [REDACTED]; Ambach, Philipp; [REDACTED]
 [REDACTED] Kassongo, Mayombo; [REDACTED] 'maouini [REDACTED]
Subject: request to lift redactions from the TFV Updated Implementation Plan (Al Mahdi)

Dear honourable judges of Trial Chamber VIII,

The Public Information and Outreach Section of the Court is organising a mission to Bamako starting on Monday 14 October 2019. It is expected that the Court's representatives will be enquired about both the *Al Hassan* case and the *Al Mahdi* reparations.

The Trust Fund is mindful of the 4 March 2019 Decision on the updated implementation plan (ICC-01/12-01/15-324-Conf) limiting the outreach activities in relation to the individual reparations to six months, and points out that the upcoming mission is of a different nature in that it is a Court's mission aimed at informing the public on many aspects of its activities in Mali.

In order to enable the success of this mission, and mindful that the case record ought to be as public as possible, the Trust Fund hereby requests authorisation to file a lesser redacted version of the updated implementation plan. We maintain that the reason for the confidential classification of this information no longer exists as the

information is either already a matter of public knowledge or has been made public by way of other documents. The Trust Fund is cognisant of the redactions guidelines, but submits that the conservative approach proposed therein does not correspond to the reality of the publicity of the information anymore, and that the confidential classification is no longer warranted concerning the categories of information below:

- (1) The Trust Fund seeks to lift redactions concerning the parameters of its outreach campaign given that it is already over, and with it, the threat of interference by extremist groups which were behind the confidential nature of this information.
- (2) The Trust Fund seeks to lift redactions on the places where projects will take place (Timbuktu and Bamako) including the rehabilitation of specific Protected Buildings and the delivery of psychological support. Save references to specific collectives of people or institutions (e.g. [REDACTED], [REDACTED]), the Trust Fund understands that the local population is aware of these projects, as a result of the publications earlier this year of expressions of interests, and of the Trust Fund increased field presence. Lifting the redactions would enable the Court to explain their exact nature and, by doing so, create accurate expectations on the side of the audience and avoid the risk of miscommunication and confusion.
- (3) The Trust Fund also seeks to lift redactions on intermediate amounts destined to each part of the reparations from the EUR 2.7 million for which Mr Al Mahdi was held liable. This would allow gaining a broad understanding the distribution of the envelopes of the reparations programme without disclosing the amounts that individuals may receive. Additionally, this would contribute to contain, the sometimes wildly inaccurate, amounts circulating among the community of Timbuktu.
- (4) The Trust Fund also seeks to lift the proposed deadline to submit individual applications (two years in the UIP). Noting that, as a result of the confidential classification chosen by the Trust Fund, the Chamber also redacted this information in the 4 March 2019 decision, the Trust Fund seeks authorisation to disclose publicly the 4 March 2020 deadline, so that potential beneficiaries are informed and prompted to seek representation in order to fulfil their right to participate in the reparations programme.

For the sake of transparency, the Trust Fund hereby attaches the proposed redacted version. The text already redacted from the public redacted version is marked for redactions (in red) while the yellow highlights show the confidential information that the Trust Fund seeks to make public.

The Trust Fund is reviewing its case record periodically and ensures that it is as public as possible at all times.

In light of the imminence of the mission, the Trust Fund is seeking authorisation to file the lesser redacted version on Monday 14 October 2019.

Kind regards,

[REDACTED] on behalf of the Trust Fund.