



Original : **English**

N°: **ICC-01/12-01/15**

Date: **10 April 2019**

**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***

**Public**

**With Public Annexes I to XVII**

**Registry's Report filing in the Record of the Case Decisions issued by way of  
email**

**Source: Registry**

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  
Mr Gilles Dutertre

**Counsel for Dominic Ongwen**

Mr Mohamed Aouini

**Legal Representatives of the Victims**

Mr Mayombo Kassongo

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(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**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Other**

Trust Fund for Victims

## Introduction

1. The Registry hereby submits the present report and its 17 annexes consisting of email decisions (“Report”) pursuant to the “Third Order on Publicity of Case Record” (“Order”),<sup>1</sup> issued on 7 March 2019 by the Single Judge acting on behalf of Trial Chamber VIII (“Single Judge”). The Single Judge directed the Registry to file all email decisions rendered since the last compilation, in line with the previous order.<sup>2</sup> The relevant email decisions were identified in the Annex to the order.

### I. Applicable law

2. For the purpose of the present Report, the Registry has considered *inter alia*, articles 64(7), 64(10) and 67(1) of the Rome Statute, rule 137 of the Rules of Procedure and Evidence (“RPE”) and regulations<sup>26</sup> of the Regulations of the Registry (“RoR”).

### II. Submissions

3. In the Decision, the Single Judge provided the Registry with guidance as to the application of redactions, where applicable:

“The name of the staff member sending the email on behalf of the Chamber shall be redacted from the body of the email. Further, any private email address shall be redacted. When a decision concludes a chain of emails, these emails shall also be filed in the record of the case. Should the participants wish that specific redactions be applied thereto it shall indicate them to the Chamber and the Registry in a timely manner.”<sup>3</sup>

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<sup>1</sup> Trial Chamber VIII, “Third Order on Publicity of Case Record”, 7 March 2019, ICC-01/12-01/15-327.

<sup>2</sup> *Ibid.*, para. 5.

<sup>3</sup> Trial Chamber IX, Annex A to the Decision on Publicity of Case Record, 7 February 2017, ICC-02/04-01/15-700-AnxA, footnote 1.

4. In line with its previous consultation with the Chamber,<sup>4</sup> the Registry has considered the guideline developed by Trial Chamber IX and reflected in various Registry Reports filed before it. Accordingly, the Registry has redacted the following information:

- the “from”, “to” and “cc” lines of the email headings, except for the reference to the email address “Trial Chamber VIII communications”; and
- the names of Registry staff members and team members of the parties and participants, except for the Counsel and the Senior Trial Lawyer.

5. In order to enable the parties and the participants to suggest specific additional redactions, the Registry liaised with the Defence, the Office of the Prosecutor (“Prosecution”), the Legal Representatives of Victims (“LRV”), the Trust Fund for Victims<sup>5</sup> (“TFV”), and different sections of the Registry by email. Redaction proposals were received<sup>6</sup> and considered.

6. The Registry submits that eight email decisions<sup>7</sup> included in the Annex to the Order were already filed in the case record by the Registry<sup>8</sup> and are hereby excluded

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<sup>4</sup>Email exchange between the Registry’s Associate Legal Officer/Courtroom Officer and the Chamber’s Associate Legal Officers on Wednesday 26 July 2017, at 11:04.

<sup>5</sup> Emails were sent by the Registry’s Associate Legal Officer/Courtroom Officer on Thursday 14 March 2019.

<sup>6</sup> The Registry received proposals for further redaction from the OTP on Tuesday 19 March 2019, at 07:39 ; from the TFV on Tuesday 19 March 2019, at 21:17 ; from the Registry on Wednesday 20 March 2019, at 09:51 ; on Monday 25 March 2019, at 12:21; from the VPRS on Wednesday 20 March 2019, at 15:33; on Thursday 21 March, at 14:34

<sup>7</sup> Decision on Trust Fund for Victims request for access sent on 7 December 2016, 15:55; Decision on Reclassification Request of ICC-01/12-01/15-125-Conf sent on 20 December 2016, 11:11; Decision on Reclassification Request of ICC-01/12-01/15-125-Conf sent on 25 January 2017, 18:38; Decision on Request to TC VIII in relation to experts’ access to filings sent on 1 February 2017, 9:15; Decision sur la Requête en vue du dépôt de demandes en réparation additionnelles sent on 23 February 2017, 14:42 ; Decision on notification of ICC-01/12-01/15-214 Annexes to TFV and permission for TFV to file further written submissions sent on 4 May 2017, 13:22; Decision on TFV’s request for extension of time (ICC-01/12-01/15-216-Red) sent on 11 May 2017, 10:58; Decision on Redacted Version of and Responses to ICC-01/12-01/15-218-Conf-Exp sent on 16 May 2017, 13:20.

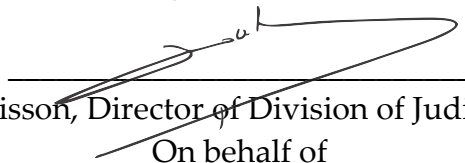
from the present submission. Accordingly, the Registry applied redactions to emails set forth in the following 17 annexes:

- **Annex I** : “Decision on Reclassification of ICC-01/12-01/15-200-Conf-Anx23-Red and ICC-01/12-01/15-200-Conf-Anx91-Red”, email sent on 5 April 2017, 14:56;
- **Annex II** : “Decision on Prosecution Request to Share Public Demonstrative Aids with a Third Party”, email sent on 3 May 2017, 11:36;
- **Annex III** : “Decision on Reclassification of ICC-01/12-01/15-208-Conf-Exp and ICC-01/12-01/15-212-Conf-Exp”, sent on 24 May 2017, 09:40;
- **Annex IV** : “Decision on Reclassification of LRV filing ICC-01/12-01/15-220-Conf”, email sent on 1 June 2017, 10:23;
- **Annex V** : “Decision on Request to TC VIII for modification of filing of 4 August in Al Mahdi (Reparations)” email sent on 11 August 2017, 15:45;
- **Annex VI** : “Decision on TFV Request for access to expert reports”, email sent on 29 August 2017, 17:22;
- **Annex VII** : “Decision on Trust Fund Request for Reclassification of ICC-01/12-01/15-253”, email sent on 25 January 2018, 12:10;
- **Annex VIII** : “Decision on LRV’s request for reclassification of filing ICC-01/12-01/15-254 (ICC-01/12-01/15-255-Conf-Exp)”, email sent on 31 January 2018, 18:32;
- **Annex IX** : “Decision on Reclassification of ICC-01/12-01/15-253-Red2”, email sent on 19 February 2018, 14:29;
- **Annex X** : “Decision on Reclassification of ICC-01/12-01/15-253-Red3”, email sent on 28 February 2018, 15:08;
- **Annex XI** : “Decision on Request for redactions for filings from TFV”, email sent on 28 February 2018, 15:20;

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<sup>8</sup> Registry, “Registry’s Report filing in the Record of the Case Decisions issued by way of email”, 31 August 2017, ICC-01/1-01/15-237.

- **Annex XII** : “Order to file observations on Draft Implementation Plan by 18 May 2018”, email sent on 4 May 2018, 13:52;
- **Annex XIII** : “Decision granting extension of time to submit observations on Draft Implementation Plan”, email sent on 16 May 2018, 16:30;
- **Annex XIV** : “Decision on Request for Reclassification of ICC-01/12-01/15-267-Conf-AnxI” email sent on 27 July 2018, 14:11;
- **Annex XV** : “Decision on Defence Request for Extension of Time to Respond to the TFV Updated Implementation Plan” email sent on 6 November 2018, 15:45;
- **Annex XVI** : “Decision on Request for Classification of ICC-01/12-01/15-291-Conf” email sent on 6 November 2018, 15:52, and
- **Annex XVII** : “Decision on Defence Request to File Defence Response After 16:00”, email sent on 15 January 2019, 18:16.



Marc Dubuisson, Director of Division of Judicial Services  
On behalf of  
Peter Lewis, Registrar

Dated this 10 April 2019

At The Hague, The Netherlands