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No.: ICC-01/12-01/15
Date: 2 December 2016

TRIAL CHAMBER VIII

Before: Judge Raul C. Pangalangan, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Bertram Schmitt

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

**URGENT
PUBLIC**

**with Confidential *EX PARTE* Annex I, available to the Registry only,
Public Redacted Annex I and,
Confidential Annex II**

Registry's observations pursuant to Trial Chamber VIII's Decision ICC-01/12-01/15-172 of 29 September 2016

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the****Court to:*****The Office of the Prosecutor**

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Registrar

Mr Herman von Hebel

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I. Introduction

1. The Registry, in accordance with Trial Chamber VIII's "Reparations Phase Calendar" ("Calendar"),¹ submits its observations on several issues relevant to reparations in the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* ("Case").

II. Classification

2. Pursuant to regulation 23bis(1) of the Regulations of the Court, Annex I to the present submission is classified as confidential *ex parte* Registry only, as it contains identifying information related to victims participating in the Case, potential beneficiaries of reparations and other interlocutors recently met by the Registry in the course of a mission conducted in the Republic of Mali ("Mali"). It is also provided in a public redacted version.
3. Annex II is classified as confidential as it contains sensitive information regarding the current security situation in Mali, as well as confidential information regarding the *modus operandi* of the Court in the field, including the security protocol and mitigation measures.

III. Applicable Law

4. The Registry submits the present observations relevant to reparations in light of article 75(1) of the Rome Statute ("Statute"), rules 16, 94 and 97 of the Rules of Procedure and Evidence ("Rules"), regulations 86(9) and 88 of the Regulations of the Court, regulation 110(2) of the Regulations of the Registry, and the Calendar.

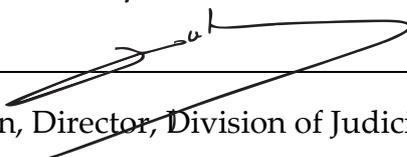
¹ Trial Chamber VIII, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, "Reparations Phase Calendar", dated 29 September 2016, ICC-01/12-01/15-172.

IV. Procedural History

5. On 27 September 2016, Trial Chamber VIII (“Chamber”) convicted Mr Al Mahdi of the war crime of intentionally attacking protected objects under article 8(2)(e)(iv) of the Statute and indicated that reparations would be addressed in due course.²
6. On 29 September 2016, the Chamber issued the Calendar, inviting the Registry, *inter alia*, to make general submissions of up to 50 pages on the reparations proceedings in the Case by 2 December 2016, and to file applications for reparations by 16 December 2016.³

V. Submissions

7. The Registry hereby submits:
 - Annex I: Confidential *ex parte* Registry’s Observations, and the Public redacted version of Annex I;
 - Annex II: Confidential Registry’s Report on the Contextual and Security Situation in Mali.



 Marc Dubuisson, Director, Division of Judicial Services,
per delegation of Herman von Hebel, Registrar

Dated this 2 December 2016

At The Hague, The Netherlands

² Trial Chamber VIII, “Judgment and Sentence”, dated 27 September 2016, ICC-01/12-01/15-171, p. 49.

³ Trial Chamber VIII, “Reparations Phase Calendar”, dated 29 September 2016, ICC-01/12-01/15-172, para. 2 (iii), (iv).