



Original : English

N°: ICC-01/12-01/15  
Date: 31 August 2017

**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 1-8**

**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**

Fatou Bensouda  
James Stewart  
Gilles Dutertre

**Counsel for the Defence**

Mohamed Aouini

**Legal Representative of the Victims**

Mayombo Kassongo

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented**

(Participation/Reparation)

**Applicants**

**The Office of Public Counsel for the Victims**

**The Office of Public Counsel for the Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Herman von Hebel

**Counsel Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

Nigel Verrill

**Detention Section**

**Victims Participation and Reparations Section**

Philipp Ambach

**Other**

Trust Fund for Victims

## 1. Introduction

1. The Registry submits the present report (“Report”) and its eight annexes consisting of email decisions pursuant to the “Order on Publicity of Case Record” (“Order”),<sup>1</sup> issued on 11 July 2017 by the Single Judge on behalf of Trial Chamber VIII (“Single Judge”), by which it directed the Registry to file as soon as practicable, in the record of the case, in line with its previous Decision on the Publicity of the Case Record,<sup>2</sup> a report appending all decisions issued by way of email. The relevant email decisions were identified in Annex A to the Order.<sup>3</sup>

## 2. Applicable law

2. For the purpose of the present Report, the Registry has considered, *inter alia*, the articles 64(7), 64(10) and 67(1) of the Rome Statute, rule 137 of the Rules of Procedure and Evidence (“RPE”) and regulations 26 and 29 of the Regulations of the Registry (“RoR”).

## 3. Submissions

3. In the Order, 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.

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<sup>1</sup> Trial Chamber VIII, Order on Publicity of Case Record, ICC-01/12-01/15-228, 11 July 2017, para 7 and page 5.

<sup>2</sup> Trial Chamber VIII, Order on Publicity of Case Record, 2 December 2016, ICC-01/12-01/15-186.

<sup>3</sup> ICC-01/12-01/15-228, para 7.

The intermediary email sent on December 2016 at 16:14 shall be redacted entirely”<sup>4</sup>.

4. In addition, and in consultation with the Chamber,<sup>5</sup> the Registry has considered the guideline developed by Trial Chamber IX and reflected in various Registry Reports filed before it,<sup>6</sup> and accordingly it 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 (“TFV”), and the Victims Participation and Reparations Section (“VPRS”) by email. Redaction proposals were received<sup>7</sup> and considered.

Accordingly, the Registry applied redactions to emails set forth in the following eight annexes:

- **Annex I:** email sent on 8/12/2016, “Trust Fund for Victim’s request for access” at 15:55;
- **Annex II:** email sent on 20/12/2016, “Reclassification request” at 11:11;

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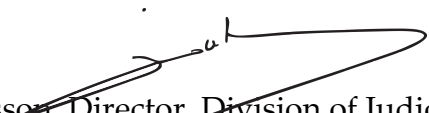
<sup>4</sup> ICC-01/12-01/15-228-Anx, 11 July 2017, footnotes 1 and 2.

<sup>5</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>6</sup> See Prosecutor v Ongwen, Registry’s Report filing in the Record of the Case Decisions issued by way of email in June 2017, 17 July 2017, ICC-02/04-01/15-914, para 10.

<sup>7</sup> CMS received the relevant email responses from the TFV on 26 July 2017 at 14:59, and on 27 July 2017 at 9:12; the Prosecution on 27 July 2017 at 10:35 ; the VPRS on 28 July 2017 at 15:18; the Defence on 28 July 2017 at 17:07, 17:08, 17:09, 17:11, 17:12, 17:16, 17:24; the LRV on 28 July 2017 at 16:24.

- **Annex III:** email sent on 25/01/2017 “Notification of ICC-01/12-01/15-203-Conf to TFV” at 18:38;
- **Annex IV:** email sent on 1/02/2017, “Al Mahdi – Request to TC VIII re: experts ‘access to filings” at 9:15;
- **Annex V:** email sent on 23/02/2017, “Requête en vue du dépôt de demandes en réparations additionnelles” at 14 :42;
- **Annex VI :** email sent on 4/05/2017, “Notification of ICC-01/12-01/15-214 annexes to TFV” at 13:22;
- **Annex VII:** email sent on 11/05/2017, “Response to TFV’s request for extension of time (ICC-01/12-01/15-216-Red)” at 10:58; and
- **Annex VIII:** email sent on 16/05/2017, “Redacted Version of and Responses to ICC-01/12-01/15-218-Conf-Exp” at 13:20.

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

Dated this 31 August 2017

At The Hague, The Netherlands