



Original: English

No. **ICC-01/12**
Date: **21 June 2024**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding
Judge María del Socorro Flores Liera
Judge Reine Adélaïde Sophie Alapini-Gansou

**SITUATION IN THE REPUBLIC OF MALI
IN THE CASE OF *THE PROSECUTOR v. IYAD AG GHALY***

**Public
with public annex**

Decision issuing a public redacted version of the warrant of arrest against Mr Iyad Ag Ghaly

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Karim A. A. Khan
Mr Mame Mandiaye Niang
Mr Gilles Dutertre

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
for Participation/Reparations**

**The Office of Public Counsel
for Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and
Reparations Section**

Other

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’) issues this decision granting the Prosecution’s renewed request to unseal the warrant of arrest against Mr Iyad Ag Ghaly.

1. On 18 July 2017, the Chamber in a previous composition issued the warrant of arrest against Mr Iyad Ag Ghaly (the ‘Warrant of Arrest’), which at the time was given a ‘secret’ classification.¹
2. On 27 July 2022, the Prosecution submitted a request to unseal the Warrant of Arrest,² which the Chamber, in a previous composition, rejected on 26 April 2023 due to potential risks to witnesses and victims.³
3. On 28 March 2024, the Prosecution renewed its request to unseal the Warrant of Arrest (the ‘Renewed Request’),⁴ and on 24 April 2024, the Registry submitted observations on the Renewed Request, supporting the unsealing (the ‘Registry’s Observations’).⁵
4. On 20 May 2024, the Chamber granted the Renewed Request,⁶ considering *inter alia* that it was appropriate to unseal the Warrant of Arrest and issue a public redacted version thereof, in light of the new circumstances described in the Renewed Request and the Registry’s Observations. Furthermore, the Chamber considered it essential that the unsealing of the Warrant of Arrest occurs in a safe and controlled manner, and therefore instructed (i) the Prosecution to confirm that it does not presently wish to propose additional redactions to the Warrant of Arrest, by no later than 27 May 2024; (ii) the Victims and Witnesses Unit (the ‘VWU’) to provide views on the Prosecution’s proposed redactions, including on whether any additional redactions to the Warrant of Arrest would be necessary, by no later than 3 June 2024; and (iii) the Prosecution and

¹ ICC-01/12-01/17-1-Secret-Exp.

² Prosecution’s Request to unseal the warrant of arrest ICC-01/12-01/17-1-Secret-Exp, and issue a public redacted version thereof, ICC-01/12-63-SECRET-Exp, with one secret *ex parte* annex (ICC-01/12-63-SECRET-Exp-Anx) containing proposed redactions.

³ Decision rejecting the Prosecution’s request to unseal a warrant of arrest, ICC-01/12-67-SECRET-Exp.

⁴ Prosecution’s Request to unseal the warrant of arrest ICC-01/12-42-SECRET-Exp, ICC-01/12-77-SECRET-Exp, with a corrected version submitted on 19 April 2024 (ICC-01/12-77-SECRET-Exp-Corr).

⁵ Registry’s observations on the corrected version of the ‘Prosecution’s Request to unseal the warrant of arrest ICC-01/12-42-SECRET-Exp’ (ICC-01/12-77-SECRET-Exp-Corr), ICC-01/12-80-SECRET-Exp.

⁶ Decision on the Prosecution’s renewed request to unseal the warrant of arrest against Mr Iyad Ag Ghaly, ICC-01/12-81-SECRET-Exp.

the VWU to also provide an indication as to the time necessary to implement any necessary measures.

5. On 24 May 2024, the Prosecution submitted its final proposals for redactions,⁷ indicating that no additional time is needed for it to implement any necessary measures prior to the unsealing of the Warrant of Arrest and the issuance of a public redacted version thereof; and on 30 May 2024, VWU indicated that does not any additional redactions to propose on the warrant of arrest to the Prosecution's final proposal for redactions, and that it does not need to implement any measures prior to the unsealing of the Warrant of Arrest and the issuance of a public redacted version.⁸

6. The Chamber recalls that, pursuant to article 68(1) of the Statute, it 'shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses' and that '[t]hese measures shall not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial'. In present case, the Chamber considers that the redactions proposed by the Prosecution, w are limited in scope and seek to ensure the protection of victims and witnesses, and therefore grants then as reflected in the public redacted version of the Warrant of Arrest.

7. Considering that the Warrant of Arrest was issued by a different composition of this Chamber, the Chamber issues its public redacted version as a separate annex to the present filing.

8. Moreover, the Chamber notes that the Warrant of Arrest is currently part of the record of the case of *The Prosecutor v. Iyad Ag Ghaly*, but that the Renewed Request, and subsequent related filings, were submitted in the record of the *Situation in Mali*. The present decision is filed in the record of the case, but in order to ensure completeness of all the relevant records, the Registry is instructed to also file the decision and annex in the record of the situation.

⁷ Prosecution's final proposed redactions to the Warrant of Arrest against Iyad Ag Ghaly and information regarding time needed to implement necessary measures prior to the unsealing of the Warrant of Arrest and the issuance of a public redacted version thereof, ICC-01/12-82-SECRET-Exp, with one secret *ex parte* annex (ICC-01/12-82-SECRET-Exp-Anx) containing proposed final redactions.

⁸ Registry's observations pursuant to the "Decision on the Prosecution's renewed request to unseal the warrant of arrest against Mr Iyad Ag Ghaly" (ICC-01/12-81-SECRET-Exp), ICC-01/12-83-SECRET-Exp.

FOR THESE REASONS, THE CHAMBER HEREBY

ISSUES a public redacted version of the Warrant of Arrest; and

INSTRUCTS the Registry to file the present decision and its annex also in the record of the *Situation in Mali*.

Done in English. A French translation will follow. The English version remains authoritative.



**Judge Iulia Antoanella Motoc,
Presiding**



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge María del Socorro Flores Liera

Dated this Friday, 21 June 2024

At The Hague, The Netherlands