

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/12-01/15

Date: 21 July 2016

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**

Confidential

With confidential *ex parte*, Registry only, Annex I and confidential Annex II

**The Registry's Observations on Mr Ahmad Al Faqi Al Mahdi's Solvency and
Conduct while in Detention**

Source: Registry

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

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Mr Mayombo Kassongo

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
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Victims and Witnesses Unit

Detention Section

Mr Patrick Craig

**Victims Participation and Reparations
Section**

Other

Ms Isabelle Guibal

Introduction

1. The Registry makes the present submissions pursuant to Trial Chamber VIII's order (the "Trial Chamber") to file any relevant observations "on the principles to be applied in considering the appropriate sentencing and on any mitigating or aggravating circumstances that may exist in relation to Mr Al Mahdi" (the "Order").¹

Procedural History

2. On 24 May 2016 the Trial Chamber held its first status conference in this case, during which it informed the parties that it will pronounce the judgement and the sentence simultaneously.²

3. On 14 June 2016, the Trial Chamber issued the Order.

Classification

4. In accordance with regulation 23bis(1) of the Regulations of the Court, the present observations and Annex II are classified as confidential as they contain information related to the personal situation of Mr Al Mahdi. Annex I is classified as confidential *ex parte*, Registry only, in view of the sensitive nature of its content.

Submissions

Mr Al Mahdi's solvency

5. Mr Al Mahdi applied for legal assistance paid by the Court on 30 September 2015. He stated that he had worked in 2011 as a teacher, but that at the time of applying for legal assistance he had no assets or bank accounts. When asked for further information, Mr Al Mahdi stated in writing on 3 October 2015 that he no longer had a bank account and that his salary had ceased in January 2012.

6. He was therefore assessed as indigent for legal aid purposes.

7. A report on Mr Al Mahdi's solvency is hereby submitted as Annex I.

¹ Trial Chamber VIII, *Prosecutor v. Ahmad Al Faqi Al Mahdi*, "Order Requesting Submissions on Sentencing", 14 June 2016, ICC-01/12-01/15-99, paras. 3-4.

² Transcript of status conference, ICC-01/12-01/15-T-3-CONF-ENG ET, page 4, lines 1-3.

Mr Al Mahdi's conduct while in detention

8. The observations on Mr Al Mahdi's behaviour while in the ICC Detention Centre are reported in Annex II.

Information on compensation to victims by Mr Al Mahdi

9. The Registry Victims Participation and Reparations Section has been identifying and contacting key interlocutors in the field in order to ascertain whether Mr Al Mahdi has undertaken any steps to compensate the victims related to the case. To this date it has not received any verifiable information related to this matter. The Registry will inform the Trial Chamber should it receive any new information.



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

Dated this 21 July 2016

At The Hague, the Netherlands.