



Original: **English**

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

Date: **1 June 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***

URGENT

PUBLIC

**With Confidential Annexes A and C and,
Confidential *ex parte* Annex B, available only to the Chamber**

**Report on Applications to Participate in the Proceedings and observations on the
issue of the legal representation of victims**

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Mr James Stewart

Counsel for the Defence

Mr Mohamed Aouini

Mr Jean-Louis Gilissen

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

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Mr Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Other

Mr Mayombo Kassongo

I. Introduction

1. The Registry hereby submits: (i) a report pursuant to regulation 86(5) of the Regulations of the Court (the “RoC”) on applications for participation in the proceeding received by the Registry in relation to the case *The Prosecutor v. Ahmad Al Faqi Al Mahdi* (the “Case”); and (ii) observations on the issue of legal representation of victims.

II. Procedural History

2. On 20 May 2016, the Registry received three applications to participate in the proceedings related to the Case (the “Applications”).¹
3. On 23 May 2016,² the Chamber directed the Office of Public Counsel for Victims (the “OPCV”), pursuant to regulation 81(4)(c) of the RoC, to be present at the status conference of 24 May 2016 to represent the interests of the applicants pending rulings on their Applications. The Chamber further ordered the Registry to transmit the Applications, by 25 May 2016, in unredacted form, to the Chamber, the Office of the Prosecutor and the OPCV, and in redacted form to the Defence. The Registry did transmit the Applications accordingly.³
4. On 24 May 2016, during a status conference, the Chamber ordered the Registry, in open session, to submit a report (“Rule 85 Report”) on whether it considers the Applications to be complete (the “24 May 2016 Order”).⁴

¹ These applications were given the following reference numbers: a/35000/16, a/35001/16 and a/35002/16.

² Email to the Registry, dated 23 May 2016 at 15h55.

³ “Transmission to the Chamber, the Office of Public Counsel for Victims and the Office of the Prosecutor of three unredacted applications to participate in the proceedings”, dated 25 May 2016, ICC-01/12-01/15-90 and “Transmission to the Defence of redacted versions of three applications to participate in the proceedings”, dated 25 May 2016, ICC-01/12-01/15-91.

⁴ Oral Order issued during the status conference of 24 May 2016, ICC-01/12-01/15-T-3-CONF-ENG, page 25 lines 20-24.

5. On 26 May 2016, the Single Judge directed the Registry to submit observations on the issue of legal representation of victims by 1 June 2016.⁵ In particular, the Registry was to indicate whether it considers that the victims who submitted the Applications should be represented by the OPCV or by the lawyer who the victims appear to have designated in their Applications.⁶

III. Classification

6. Pursuant to the 24 May 2016 Order, the 26 May Order and regulation 23*bis*(1) of the RoC, Annex A and C to this report are classified as confidential and Annex B is confidential *ex parte*, available only to the Chamber, since it contains sensitive information relating to the protection of victims.

IV. Applicable Law

7. The Registry submits the present report in accordance with article 68(1) and (3) of the Rome Statute, rules 16, 85 and 89(1) of the Rules of Procedure and Evidence, regulation 86(5) of the RoC, and in accordance with the 24 May 2016 Order and the 26 May Order.

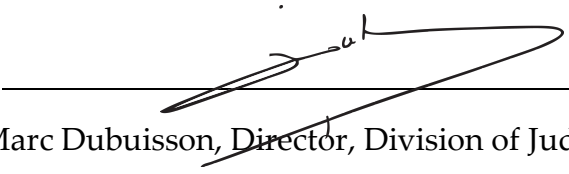
⁵ Email of Trial Chamber VIII Communications to the Registry, dated 26 May 2016 at 11:31.

⁶ The Applicants appear to have designated in their application form a lawyer to represent them (the “Designated Lawyer”).

V. Submissions

8. The Registry herein transmits:

- An explanation of its Rule 85 Report on Applications (confidential Annex A);
- The Registry's Rule 85 Report on the Applications (confidential *ex parte* Annex B); and
- The Registry's observations on the legal representation of victims (confidential Annex C).



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

Dated this 1 June 2016

At The Hague, The Netherlands