



Original: **English**

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

Date: **12 August 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*

Public redacted version of

**Registry's Submission on the appearance of Defence witnesses, filed on 3 August
2016 (ICC-01/12-01/15-151-Conf)**

Source : Registry

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

Mr Mayombo Kassongo

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Prof Esteban Peralta Losilla

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Others

I. Introduction

1. The Registry submits the present submission in accordance with the order of Trial Chamber VIII (“the Chamber”) issued on 27 July 2016 requesting the Victims and Witnesses Unit (“VWU”) to indicate whether essential arrangements for potential Defence witnesses can be completed for them to testify, in person or via video-link, by the week of 22 August 2016.¹

II. Confidentiality

2. This submission is classified as confidential pursuant to regulation 23*bis*(1) of the Regulations of the Court as it contains information provided to the VWU by the Defence on a confidential basis.

III. Submissions

3. In a meeting with the Defence [REDACTED], the VWU was informed that the two witnesses, which the Defence intends to call, [REDACTED]. As per its usual practice, the VWU stands ready to advance the funds [REDACTED], once a cost estimate has been recieved.
4. On [REDACTED], and as requested by the VWU, the Defence provided the VWU, with the Witness Identification Form [REDACTED]. This information, which is usually required 35 days before the appearance of a witness, is required by the VWU in order to make an assessment on the witness’s personal situation and for the preparation of their travel.

¹ Communication sent on 27 July 2016 at 11h21

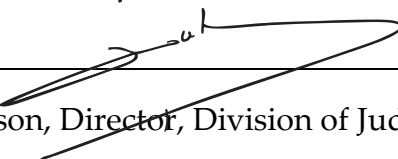
A) Appearance of the witnesses at the seat of the Court

5. [REDACTED] Therefore, it is unlikely that the necessary formalities to allow for the appearance of the two witnesses at the seat of the Court will be achieved by the week of 22 August 2016.

B) Appearance of the witnesses via video link [REDACTED]

6. After verification, [REDACTED]. This would need to be taken into consideration if a video link is to be conducted [REDACTED] .
7. The VWU has initiated some consultations within the Registry regarding the feasibility of a video link [REDACTED].
8. [REDACTED]
9. [REDACTED]
10. In addition to the above, [REDACTED]; furthermore, technical arrangements will be needed. Based on the above, it is very unlikely that the required formalities will be achieved by the 22 August 2016.

11. In conclusion, the VWU notes that the appearance of the two Defence witnesses, either in person or by video link, is unlikely to take place by the above mentioned deadline. The Registry will continue to do its utmost efforts to assist the defence in facilitating the testimonies of the two witnesses as per the modalities decided by the Chamber.



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

Dated 12 August 2016

At The Hague, the Netherlands