

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 October 2015

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
*THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI***

Public Redacted version of

Registrar's observations on the classification of documents

Source: Registry

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

The Office of the Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Mr Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

Mr Paddy Craig

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (“the Court”);

NOTING the “Order concerning the transfer of documents into the record of the case and their level of classification” dated 30 September 2015 (the “Order”);¹

NOTING article 67(1)(d) of the Rome Statute, rules 21 and 22 of the Rules of Procedure and Evidence, regulations 23*bis* and 67 of the Regulations of the Court, and regulation 123 of the Regulations of the Registry;

CONSIDERING that in the Order, the Single Judge instructed the Registrar to review the filings which are not currently classified as public and, by 7 October 2015, “(i) to indicate those which can be reclassified as “public” or, failing that and as appropriate, “confidential”; (ii) to file, insofar possible, public or confidential redacted versions of documents which cannot as such be reclassified as “public” or “confidential”; (iii) to put on the record of the case reasons justifying the level of classification of any filing that cannot be made public”;²

RESPECTFULLY SUBMITS as follows:

1. Pursuant to regulation 23*bis*(2), the present observations are filed under the classification confidential *ex parte* – Registry only – as it contains information currently under that classification and which the Registry submits be redacted prior to disclosure to the parties.

¹ ICC-01/12-01/15-10

² *Ibid.*, p.4

(i) *ICC-01/12-01/15-3-Secret-Exp :*

2. The Registrar submits that this document can be reclassified as public.

(ii) *ICC-01/12-01/15-5-Secret-Exp :*

3. The Registrar submits that this document can be reclassified as public subject to the following redaction in paragraph 4:

[REDACTED]

(iii) *Confidential annexes ICC-01/12-01/15-7-Conf-AnxI and ICC-01/12-01/15-7-Conf-AnxII:*

4. The Registrar submits that these documents, related to the appointment of Mr Mohamed Aouini as Duty Counsel for Mr Al Mahdi, should remain confidential because they [REDACTED]

(iv) *ICC-01/12-01/15-14-Conf-Exp and Confidential ex parte annexes I and II:*

5. The Registry sees no impediment to the reclassification of the main document as well as annex II as public as Mr Bourgeois has confirmed that he does not object to having his name mentioned publicly in the proceedings. It is however suggested that annex I remains confidential *ex parte* because [REDACTED]

[REDACTED]

(v) *ICC-01/12-01/15-17-Conf-Exp and Confidential ex parte annex 1:*

6. The Registrar submits that the main document can be reclassified as public subject to the following redactions in paragraphs 2, 3 and 4:



7. It is recommended that annex 1 remains confidential *ex parte* because [REDACTED]

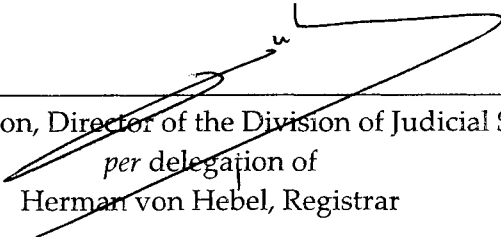


(vi) ICC-01/12-01/15-20-Conf-Exp and Confidential *ex parte* annexes I and II:

8. The Registry sees no impediment to the reclassification of the main document as well as annex II as public as Mr Bourgeois has confirmed that he does not object to having his name mentioned publicly in the proceedings. It is recommended that annex I remains confidential *ex parte* because it contains [REDACTED]



RESPECTFULLY SUBMITTED,



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

Dated this 07 October 2015

At The Hague, the Netherlands