

ANNEX 8

PUBLIC

From: Trial Chamber VIII Communications
Sent: 01 May 2020 12:34
To: Trial Chamber VIII Communications
Cc: de Baan, Pieter; [REDACTED]
 Kassongo, Mayombo; [REDACTED] Aouini, Mohamed
Subject: RE: Request to access annexes B and C of LRV submissions of 29 April 2020 (#360).
Follow Up Flag: Follow up
Flag Status: Flagged

Dear colleagues,

In light of the below, considering Regulation 23*bis* of the Regulations of the Court, and bearing in mind the nature of the annexes as well as the absence of justification for the initial classification, the Chamber grants the request.

Accordingly, the Registry is instructed to reclassify annexes ICC-01/12-01/15-360-Conf-Exp-AnxB and ICC-01/12-01/15-360-Conf-Exp-AnxC as confidential, *ex parte*, available to TFV and LRV (and Chamber).

Thank you and kind regards,

[REDACTED] on behalf of Trial Chamber VIII

From: [REDACTED]
Sent: 30 April 2020 17:13
To: Aouini, Mohamed; Trial Chamber VIII Communications; [REDACTED]
Cc: de Baan, Pieter; [REDACTED] Kassongo, Mayombo; [REDACTED]
Subject: RE: Request to access annexes B and C of LRV submissions of 29 April 2020 (#360).

Chère [REDACTED]

Le Représentant légal ne formulera pas de réponse à la demande et s'en remet à l'appréciation de la Chambre sur cette question.

Bien à vous,

De : Aouini, Mohamed [REDACTED]
Envoyé : jeudi 30 avril 2020 17:01
À : Trial Chamber VIII Communications [REDACTED]
Cc : de Baan, Pieter [REDACTED]
 [REDACTED] Kassongo, Mayombo [REDACTED]
Objet : RE: Request to access annexes B and C of LRV submissions of 29 April 2020 (#360).

Chère Madame [REDACTED]
 La Défense de M. Al Mahdi ne prend pas position sur cette demande.

Bien à vous,

Mohamed Aouini

Avocat près la cour de cassation au barreau de Tunis.

Lead Counsel for Ahmed Al Faqi Al Mahdi
Conseil Principal pour Ahmed Al Faqi Al Mahdi

International Criminal Court | Cour Pénale Internationale
Netherlands | Pays-Bas

De : Trial Chamber VIII Communication [REDACTED]

Envoyé : jeudi 30 avril 2020 16:46

À : [REDACTED]; Trial Chamber VIII Communications

[REDACTED] >

Cc : de Baan, Pieter [REDACTED]

[REDACTED]

[REDACTED]; Kassongo, Mayombo [REDACTED]

[REDACTED] Aouini, Mohamed [REDACTED]

Objet : RE: Request to access annexes B and C of LRV submissions of 29 April 2020 (#360).

Dear colleagues,

Positions in response to the request below, if any, should be sent no later than COB tomorrow, 1 May 2020.

Thank you and kind regards,

[REDACTED] on behalf of Trial Chamber VIII

From [REDACTED]

Sent: 30 April 2020 13:21

To: Trial Chamber VIII Communications

Cc: de Baan, Pieter; [REDACTED] Kassongo, Mayombo;

[REDACTED] Aouini, Mohamed; [REDACTED]

Subject: Request to access annexes B and C of LRV submissions of 29 April 2020 (#360).

Dear Judges,

On 29 April 2020, the legal representative of victims ("LRV") submitted a *Demande de réexamen par la Chambre de la Décision du Fonds relative à l'éligibilité des victimes aux mesures de réparations* (ICC-01/12-01/15-360-Conf), with one confidential annex and two confidential *ex parte* annexes. The Trust Fund's response is due on 15 May, as per para. 47 of the Decision of 12 July 2018 (ICC-01/12-01/15-273-Conf)

Having reviewed the LRV's observations in the main filing, the Trust Fund seeks access to Annexes B and C, currently classified *ex parte* accessible to the Trial Chamber only. Footnote 45 of the main filing reveals that Annex B appears to be a "statement" from figure of authority identified by the LRV. It is not possible for the Trust Fund to determine from the filing and from annex A available to it what annex C could be.

The Trust Fund notes additionally that paragraph 15 on the classification of the main filing justifies the confidential classification but does not provide justification as to the *ex parte* classification of Annex B and C.

Without having knowledge of the content of these annexes, and without prejudice to the Trust Fund's position as to the submission of documents in support of applications after the issuance of a negative administrative decision, the Trust Fund respectfully submits that any such information must be disclosed to it to enable the preparation of its response.

Kind regards,

██████████ on behalf of the Trust Fund.

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