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PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
THE PROSECUTOR *v.*
ALI MUHAMMAD ALI ABD-AL-RAHMAN (“ALI KUSHAYB”)**

Public

**Public Redacted Version of “Prosecution’s second request for the authorisation of non-disclosure of witness identities”, 26 February 2021,
ICC-02/05-01/20-287-Conf-Exp**

Source: Office of the Prosecutor

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

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I. INTRODUCTION

1. The Prosecution requests the Single Judge to authorise the non-disclosure of the identities of Witnesses P-0008, P-0020, P-0032, P-0034, P-0037, P-0039, P-0046, P-0053, P-0076, P-0087, P-0103, P-0105, P-0118, P-0188, P-0581, P-0643, P-0877 and P-0892 (“Eighteen Witnesses”) under article 68(1) of the Rome Statute and rule 81(4) of the Rules of Procedure and Evidence to mitigate security risks to them and their family members resulting from their cooperation with the Court. The Prosecution disclosed statements and related materials of the Eighteen Witnesses with non-standard redactions applied to their identities on 29 January 2021,¹ 15 February 2021² and 24 February 2021.³

2. The Prosecution also requests the Single Judge to authorise the non-disclosure of two entire items of evidence relating to Witness P-0877,⁴ one item relating to Witness P-0581,⁵ one item relating to Witness P-0087,⁶ and two items relating to Witness P-0843.⁷ Witness P-0843 was included in the Prosecution’s first request for authorisation of the non-disclosure of witness identities (“First Request”).⁸

II. CONFIDENTIALITY

3. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, this request and annexes are filed as confidential, *ex parte*, only available to the Prosecution, because they contain sensitive information pertaining to witness security. The Prosecution is simultaneously filing a confidential redacted version of this request.

¹ P-0188, P-0581. See ICC-02/05-01/20-273+Conf-Anxs.

² P-0008, P-0020, P-0039, P-0103. See ICC-02/05-01/20-284+Conf-Anxs.

³ P-0032, P-0034, P-0037, P-0046, P-0053, P-0076, P-0087, P-0105, P-0118, P-0643, P-0877 and P-0892. See ICC-02/05-01/20-286+Conf-Anxs.

⁴ See below, para. 11. These two items are videos [REDACTED].

⁵ See below, para. 11. This item is a video [REDACTED].

⁶ See below, para. 11. This item is a letter addressed to Witness P-0087.

⁷ See below, para. 11. These two items are videos [REDACTED].

⁸ See ICC-02/05-01/20-242-Conf-Exp, para. 23.

III. PROCEDURAL HISTORY

4. On 18 December 2020, the Pre-Trial Chamber II partially granted the Prosecution's request for an extension of time,⁹ and ordered the Prosecution to submit any and all applications for the authorisation of the non-disclosure of witness identities and/or the non-disclosure of entire items of evidence by 26 February 2021.¹⁰

5. On 18 December 2020, the Prosecution submitted the First Request, in which it requested the Single Judge to authorise the non-disclosure of the identities of eight witnesses.¹¹ On 8 January 2021, the Prosecution withdrew its application for authorisation of the non-disclosure of Witness P-0091's identity, having established that such disclosure would not endanger the witness or his family members.¹²

IV. SUBMISSIONS

The Court shall take measures to protect victims and witnesses

6. Pursuant to article 68(1) of the Statute, the Court shall take appropriate measures to protect the safety, physical and psychological well-being of victims and witnesses. Under rule 81(4) of the Rules, these measures may include authorising the non-disclosure of witness identities prior to the commencement of the trial. However, the measures should not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

7. The Appeals Chamber has held that to authorise the non-disclosure of witness identities pursuant to rule 81(4) of the Rules, the Pre-Trial Chamber must be satisfied that: (i) endangerment of the witness or members of their family may be caused by the disclosure of the witness's identity, (ii) the protective measure is necessary, and (iii) the measure would not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial under article 68(1) of the Statute.¹³

⁹ ICC-02/05-01/20-218-Red, paras. 7, 16-20. See also ICC-02/05-01/20-228, paras. 4-5, 9.

¹⁰ ICC-02/05-01/20-238, p. 15.

¹¹ ICC-02/05-01/20-242-Conf-Exp.

¹² ICC-02/05-01/20-250-Conf. The Prosecution has since disclosed a lesser redacted version of Witness's P-0091's statement and sketch. See ICC-02/05-01/20-273+Conf-Anxs.

¹³ ICC-01/04-01/06-773, para. 21; ICC-01/04-01/07-475, para. 67.

8. The Appeals Chamber has also confirmed that “it may be permissible to withhold the disclosure of certain information from the Defence prior to the hearing to confirm the charges that could not be withheld prior to trial.”¹⁴

Disclosure would endanger the witnesses or their family members

9. The Prosecution intends to rely on the evidence of 12 of the Eighteen Witnesses for the confirmation of charges against Mr Abd-Al-Rahman.¹⁵ The other six witnesses were cited in its applications under article 58 of the Statute relating to this case, but the Prosecution does not intend to rely upon their evidence for the purposes of the confirmation hearing.¹⁶

10. The current security situations of the Eighteen Witnesses do not allow for the disclosure of their identities. The Prosecution seeks to delay the disclosure of their identities by applying non-standard redactions to their witness statements and related materials.

11. The Prosecution also requests the authorisation of the Single Judge not to disclose two entire items of evidence relating to Witness P-0877,¹⁷ one item relating to Witness P-0581,¹⁸ one item relating to Witness P-0087,¹⁹ and two items relating to Witness P-0843.²⁰ The items relating to Witnesses P-0877, P-0581 and P-0843 are videos [REDACTED]. The Prosecution has disclosed transcripts and translations relating to four of these five videos,²¹ and will disclose the remaining translation in due course.²² In the transcripts and translations relating to P-0877, non-standard redactions were applied to information identifying the witness. The item relating to Witness P-0087 is a letter addressed to the witness that cannot be redacted sufficiently to conceal his identity.

¹⁴ ICC-01/04-01/07-475, para. 68.

¹⁵ P-0008, P-0020, P-0034, P-0087, P-0103, P-0105, P-0118, P-0188, P-0581, P-0643, P-0877 and P-0892.

¹⁶ P-0032, P-0037, P-0039, P-0046, P-0053 and P-0076.

¹⁷ Video, DAR-OTP-0215-4260; Video, DAR-OTP-0217-0278.

¹⁸ Video, DAR-OTP-0124-0715.

¹⁹ Letter, DAR-OTP-0118-0768.

²⁰ [REDACTED].

²¹ P-0877: Video, DAR-OTP-0215-4260 (ARB Transcript at DAR-OTP-0215-4267; Translation at DAR-OTP-0215-4269); Video, DAR-OTP-0217-0278 (ARB Transcript at DAR-OTP-0215-8889; Translation at DAR-OTP-0215-8891). [REDACTED].

²² P-0581: Video, DAR-OTP-0124-0715. Translation of relevant excerpts is pending.

12. Ten of the Eighteen Witnesses reside in Sudan,²³ and an additional three witnesses usually reside in other countries but are currently residing in Sudan.²⁴ Despite its best efforts, the Prosecution has not yet been able to locate and contact five of the Eighteen Witnesses, as detailed below.²⁵ The last known or believed places of residence for these witnesses were in Chad, Egypt and the United Kingdom.

13. As previously submitted, [REDACTED].²⁶ This risk assessment has not changed since the First Request.

14. In relation to further specifics of the risks to witnesses in Sudan and Chad, the Prosecution relies on its previous submissions contained in paragraphs 12 to 15 of the First Request.²⁷

15. The individual circumstances of the Eighteen Witnesses, including the nature of their evidence, their last known places of residence, and past security incidents, where applicable, are summarised below.

16. Witness P-0008 gave a statement to the Prosecution in November 2005.²⁸ P-0008 described arrests, torture, detention and killing of those displaced from surrounding villages to Mukjar in August 2003. He also described the role of Janjaweed leaders in the incident, including Mr Abd-Al-Rahman. Witness P-0008's last known place of residence was [REDACTED]. The Prosecution has been unable to locate him and cannot exclude that he [REDACTED].

17. Witness P-0020 gave a statement to the Prosecution in September 2005 and January 2006.²⁹ [REDACTED]. P-0020 described a state policy to attack the civilian population in Darfur and orders from Abdallah Torshein to Mr Abd-Al-Rahman to execute men in Mukjar. P-0020 usually resides in [REDACTED].

²³ [REDACTED].

²⁴ [REDACTED].

²⁵ P-0008, P-0034, P-0046, P-0053 and P-0076. Of these five witnesses, only P-0008 and P-0034 are on the Prosecution's current witness list for the purposes of the confirmation hearing. *See below*, para. 37.

²⁶ ICC-02/05-01/20-242-Conf-Exp, para. 11.

²⁷ ICC-02/05-01/20-242-Conf-Exp, paras. 12-15.

²⁸ Annex 2.

²⁹ Annex 3.

18. Witness P-0032 provided a statement to the Prosecution in August 2006.³⁰ [REDACTED]. P-0032 discussed various meetings, conferences, and initiatives in which he participated relating to the situation in Darfur. He also described the government's funding of Janjaweed. He has reported several security incidents in the past, [REDACTED]. According to the Prosecution's latest information, he currently resides in [REDACTED].

19. Witness P-0034 gave a statement to the Prosecution in April and December 2006.³¹ [REDACTED], P-0034 described the structure of the Sudanese Security and Intelligence Service and its role in the conflict in Darfur. He also described the involvement of Janjaweed in the conflict. According to unconfirmed information recently received by the Prosecution, Witness P-0034 is residing in [REDACTED].

20. Witness P-0037 gave a statement to the Prosecution in February 2006.³² He described the Janjaweed attacks on the civilian population in South Darfur, including his family members. He also described the structure of the governmental authorities and the Janjaweed leaders in the region. Witness P-0037 resides in [REDACTED].

21. Witness P-0039 gave a statement to the Prosecution in February 2006.³³ He described a state policy to target civilian population in Darfur, followed by Janjaweed attacks against civilians in 2003. P-0039 has been admitted to the ICC Protection Program. [REDACTED].

22. Witness P-0046 gave a statement to the Prosecution in April 2006.³⁴ He described a concerted attack on his home village in South Darfur in 2003 involving the Janjaweed and governmental forces. After the attack, he was imprisoned and tortured by government soldiers. P-0046 was last known to be residing in the United Kingdom, but was unable to be located by the domestic authorities.

³⁰ Annex 4.

³¹ Annex 5.

³² Annex 6.

³³ Annex 7.

³⁴ Annex 8.

23. Witness P-0053 gave a statement to the Prosecution in April 2006.³⁵ P-0053 described several attacks against civilians in different villages in Darfur in 2003-2004, as well as sexual and gender based crimes of the Janjaweed and the governmental forces. P-0053 was last known to be residing in the United Kingdom, but was unable to be located by the domestic authorities.

24. Witness P-0076 gave a statement to the Prosecution in August 2006.³⁶ He described the attack in Kutum in August 2003, as well as the government's financing of the Janjaweed through Musa Hilal. P-0076 was last known to be residing in the United Kingdom, but was unable to be located by the domestic authorities.

25. Witness P-0087 gave a statement to the Prosecution in November 2006 and August 2007.³⁷ [REDACTED], P-0087 described the origins of conflict, high-level meetings in Khartoum, state security committee meetings in 2003, and visits to Darfur. According to the Prosecution's latest information, Witness P-0087 is residing in [REDACTED].

26. Witness P-0103 gave a statement to the Prosecution in August 2006.³⁸ He was a [REDACTED], [REDACTED]. He described meeting Mr Abd-Al-Rahman several times, who was part of the Popular Defence Force ("PDF") and operated in the Wadi Salih and Garsila area. Witness P-0103 is believed to reside in [REDACTED].

27. Witness P-0105 gave a statement to the Prosecution in November 2006.³⁹ He described the attacks by government soldiers and Janjaweed on Mukjar and surrounding villages around August 2003. He recalled seeing Mr Abd-Al-Rahman supplying Janjaweed with weapons and visiting detention centres in Mukjar. Witness P-0105 resides in [REDACTED].

³⁵ Annex 9.

³⁶ Annex 10.

³⁷ Annex 11.

³⁸ Annex 12.

³⁹ Annex 13.

28. Witness P-0118 gave a statement to the Prosecution in March 2007.⁴⁰ [REDACTED]. He provides detailed contextual information on the government plans, attacks against civilian population, and supplying and funding of Janjaweed. Witness P-0118 normally resides in the United Kingdom, [REDACTED].

29. Witness P-0188 gave a statement to the Prosecution in [REDACTED].⁴¹ He [REDACTED] was present during the mass arrests and executions in Mukjar in February-March 2004. In particular, he described Mr Abd-Al-Rahman's direct role in the execution of four umdahs. [REDACTED]. P-0188 is known to Mr Abd-Al-Rahman's associates, Janjaweed and PDF. Witness P-0188 [REDACTED].

30. Witness P-0581 gave a statement to the Prosecution in [REDACTED].⁴² He described the Janjaweed attack on Mukjar and surrounding villages led by Mr Abd-Al-Rahman in summer 2003. He was detained and tortured for two months. According to the Prosecution's latest information, Witness P-0581 resides in [REDACTED].

31. Witness P-0643 gave a statement to the Prosecution in September 2017.⁴³ He described his knowledge of Mr Abd-Al-Rahman's central role in the Deleig arrests and executions of detained persons, including community leaders, as well as the government arming and financing the Janjaweed in the Mukjar area. He has reported security incidents in the past, [REDACTED]. According to the Prosecution's latest information, Witness P-0643 resides in [REDACTED].

32. Witness P-0877 gave statements to the Prosecution in [REDACTED].⁴⁴ He described his imprisonment and related events in Mukjar in February-March 2004, as well as his interactions with Mr Abd-Al-Rahman, whom he saw participating in the crimes and leading the Janjaweed. He kept detailed lists of the names of prisoners

⁴⁰ Annex 14.

⁴¹ Annex 15.

⁴² Annex 16.

⁴³ Annex 17.

⁴⁴ Annex 18.

detained and later executed by the Janjaweed. He has reported a security incident in the past. Witness P-0877 resides in [REDACTED].

33. Witness P-0892 gave a statement to the Prosecution in January-February 2021.⁴⁵ He described the attack on Mukjar by the governmental forces and Mr Abd-Al-Rahman's men in August 2003, as well as an attack on a village by Al-Dayf Semah's men in February 2004. P-0892 has general security concerns related to his cooperation with the ICC. He explained that Mr Abd-Al-Rahman's associates [REDACTED] are armed and some work for law enforcement agencies in the area. Witness P-0892 resides in [REDACTED].

34. Given the above circumstances, disclosing the identities of the Eighteen Witnesses before implementing mitigation measures would endanger the witnesses and/or their family members.

The requested protective measures are necessary

35. The requested redactions to the identities of the Eighteen Witnesses are necessary. Given their current security situations, less restrictive measures would not be feasible or sufficient to protect the witnesses and their family members.

36. Updated individual risk assessments have been prepared in relation to 12 of the Eighteen Witnesses.⁴⁶ In relation to Witness P-0037, who was located in [REDACTED] only very recently,⁴⁷ the Prosecution has yet to update his individual risk assessment. As detailed above, the Prosecution assesses that disclosure of their identities at this time would endanger these twelve witnesses, as well as P-0037, and their family members.⁴⁸

37. The Prosecution has been unable to locate five of the Eighteen Witnesses.⁴⁹ This is despite concerted efforts through multiple intermediaries and extensive liaison with domestic authorities, in particular, the United Kingdom. For this reason,

⁴⁵ Annex 19.

⁴⁶ P-0020, P-0032, P-0039, P-0087, P-0103, P-0105, P-0118, P-0188, P-0581, P-0643, P-0877 and P-0892.

⁴⁷ After extensive efforts, the Prosecution was able to make contact with Witness P-0037 on [REDACTED].

⁴⁸ See above, paras. 16-33.

⁴⁹ P-0008, P-0034, P-0046, P-0053 and P-0076.

the Prosecution has not been able to update the individual risk assessments for these five witnesses. Some of these witnesses may have returned to Sudan or Chad, and the whereabouts of their family members are not known. Other Prosecution witnesses have in the past returned to Sudan without first informing the Prosecution.⁵⁰ The Prosecution therefore cannot exclude that disclosure of the identities of these five witnesses at this time would endanger the witnesses and/or their family members.

38. The Prosecution has continued to take all reasonable steps to put in place mechanisms to protect potential witnesses.⁵¹ In February 2021, the Prosecution conducted another high-level mission to Khartoum. As a result, on 14 February 2021, a Memorandum of Understanding (“MoU”) was signed between the Office of the Prosecutor and the Government of Sudan. This MoU provides for cooperation in relation to the investigation and prosecution of Mr Abd-Al-Rahman.

39. While a highly positive step, the signing of the MoU does not, in and of itself, change the Prosecution’s current risk assessment regarding witnesses residing in Sudan. [REDACTED]. The Prosecution is working hard to put these important local protective measures in place and, to that end, intends to deploy a follow-up mission to Sudan as soon as possible.

40. In relation to Chad, following further discussions with the domestic authorities, [REDACTED]. The Prosecution is making every effort to progress this issue as quickly as possible.

41. The Prosecution needs to implement protection measures, or modify its assessment concerning the security situation in Sudan, before it can disclose the identities of the Eighteen Witnesses to Mr Abd-Al-Rahman. The Prosecution may need to refer some of the Eighteen Witnesses and their dependents to the VWS for protection advice in light of the nature of their evidence, profile and residence in

⁵⁰ See e.g. [REDACTED].

⁵¹ See ICC-02/05-01/20-242, paras. 28-30.

Sudan or Chad.⁵² Even where no referral to the VWS is needed, disclosure of the identities of the Eighteen Witnesses should not occur until the required protection measures are put in place, and the Prosecution is satisfied with the residual level of risk. Until then, the requested protective measures in the form of redactions to the witnesses' identities are necessary.

The requested protective measures would cause no prejudice to the accused

42. The requested protective measures for the Eighteen Witnesses are not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial under article 68(1) of the Statute because the Prosecution:

- a. has disclosed their statements and annexes with only the necessary redactions to information that could reasonably be expected to reveal their identities;
- b. has requested identity redactions at the stage of the confirmation of charges, the purpose of which is to determine whether there is sufficient evidence to commit the case to trial;
- c. will lift such non-standard redactions as soon as the circumstances that necessitate the non-disclosure of witness identities cease to exist; and
- d. has already disclosed the statements of 77 witnesses without identity redactions.

43. The Prosecution is making strenuous efforts to clear the Eighteen Witnesses, as well as the seven witnesses subject to the First Request, so that their identities can be disclosed. As it has done previously,⁵³ the Prosecution will lift identity redactions for each of these witnesses as soon as practicable and after establishing that such disclosure would not endanger the witnesses and their family members. The Prosecution will also disclose the six items related to Witnesses P-0087, P-0581, P-0877 and P-0843 as soon as they have been cleared for disclosure of their identities.

⁵² In particular, [REDACTED].

⁵³ See ICC-02/05-01/20-242-Conf-Exp, para. 33 (Witness P-0131); ICC-02/05-01/20-250-Conf (Witness P-0091).

44. For ease of reference, the Prosecution has attached the witness statements of the Eighteen Witnesses with see-through coloured highlights as Annexes 2 to 19. In addition to the standard redactions, for which specific authorisation is not required, Annexes 2 to 19 show the non-standard redactions in pink applied to identifying information under category F. The corresponding statements with redactions are available in eCourt.

45. The chart in Annex 1 outlines the extent of the requested non-standard redactions applied to the information that would reveal their identities in each witness statement and their corresponding annexes. Non-standard redactions have also been applied to all metadata fields in eCourt containing the names of the Eighteen Witnesses.

46. The Prosecution informs the Single Judge that it has also applied non-standard redactions to a number of other miscellaneous items that contain identifying information relating to the Eighteen Witnesses and the seven witnesses subject to the First Request. These items are not included in Annex 1. The Prosecution also notes that the Arabic translations of statements relating to these witnesses, which are to be disclosed under rule 76(3) of the Rules of Procedure and Evidence, will contain redactions mirroring the redactions to the original statements.

Scope of this request

47. The Prosecution has endeavoured to include in this request all witnesses on its current confirmation witness list and/or that were cited in its applications under article 58 of the Statute in relation to this case, whose identities it assesses are unlikely to be able to be disclosed prior to the deadline of 29 March 2021. Witnesses who are currently being interviewed, or will be interviewed in the near future, and who may later be added to the confirmation witness list are not included in this request.

48. The Prosecution informs the Single Judge that there are three witnesses not included in this request who were interviewed very recently by the Prosecution and are brand new additions to the Prosecution's confirmation witness list:

- a. Witness P-0905 was interviewed over the course of five days [REDACTED].⁵⁴ The audio recording of this interview is now being urgently transcribed. The Prosecution referred P-0905 to the VWS for protection advice [REDACTED]. It is anticipated that necessary protection measures will be implemented to allow for the disclosure of P-0905's identity prior to 29 March 2021.
- b. Witness P-0919 was interviewed [REDACTED].⁵⁵ The Prosecution has referred him to the VWS for protection advice [REDACTED]. He usually resides in [REDACTED]. The Prosecution is hopeful that necessary protection measures will be implemented to allow for the disclosure of P-0919's identity prior to 29 March 2021. In the event that this cannot occur, the Prosecution will bring the matter to the attention of the Single Judge as soon as possible.
- c. Witness P-0878 provided a handwritten statement in Arabic, along with 47 pages of original handwritten notes in Arabic, [REDACTED].⁵⁶ The translation and review of this material is underway.⁵⁷ P-0878 resides in [REDACTED] and the Prosecution has not yet been able to complete his individual risk assessment. In the event that, following completion of his individual risk assessment, the Prosecution assesses that P-0878's identity cannot be disclosed prior to 29 March 2021, it will seize the Single Judge in relation to the matter as soon as possible.

⁵⁴ The audio recordings of P-0905's interview were registered on [REDACTED], as soon as possible after the interview team returned from the field.

⁵⁵ Witness P-0919's statement was also registered on [REDACTED].

⁵⁶ Witness P-0878's statement was also registered on [REDACTED].

⁵⁷ The Prosecution had previously received from Witness P-0878 a poor quality copy of these notes and had prepared a draft translation. This translation is now being revised with the benefit of the original document.

49. The Prosecution also informs the Single Judge that there are two witnesses who were cited in its applications under article 58 of the Statute that the Prosecution believes are in the United Kingdom but has not yet been able to contact directly.⁵⁸ The Prosecution is working closely with the local authorities to make contact with these witnesses. The Prosecution assesses that these witnesses will be able to be cleared for disclosure of their identities prior to the 29 March 2021 deadline, and has therefore not included them in the present request.

Information relating to witness materials subject to article 54(3)(e) restrictions

50. The Prosecution informs the Single Judge that Witness P-0065's statement and three annexes are still subject to restrictions under article 54(3)(e) of the Statute. The Prosecution has made brief initial contact with Witness P-0065, but a request for lifting has not yet been made due to difficulties getting back into contact with the witness. For the same reason, the Prosecution has not been able to complete his individual risk assessment.

51. Witness P-0065 resides in [REDACTED] and as such his current security situation does not allow for disclosure of his identity. However, given that the article 54(3)(e) restrictions have not been lifted, the Prosecution is unable to include him in this request. Witness P-0065 was cited in the first application under article 58 of the Statute, but is not included on the Prosecution's current witness list for the confirmation hearing. The Prosecution intends to address the Single Judge separately in relation to Witness P-0065, and other items still subject to article 54(3)(e) restrictions, in due course.

Additional information concerning the First Request

52. The Prosecution provides the following updates regarding the security situations of the seven witnesses subject to the First Request. In relation to Witnesses P-0123, P-0843 and P-0884, there are no significant updates to report.

⁵⁸ P-0069 and P-0074. These witnesses are not included on the Prosecution's confirmation witness list.

53. Despite extensive efforts through an intermediary, the Prosecution remains unable to locate Witness P-0085. The witness previously resided in [REDACTED].⁵⁹ Based on the Prosecution's latest information, it is possible that P-0085 has returned to [REDACTED]. The Prosecution is continuing its efforts to locate this witness as soon as possible.

54. The Prosecution has now made contact with Witness P-0117,⁶⁰ who indicated that he currently resides in [REDACTED]. The Prosecution has arranged to meet with P-0117 in the near future in order to obtain information to update his individual risk assessment.

55. The Prosecution had arranged to meet Witness P-0119 in the coming weeks to further assess his security situation, but this meeting has been delayed for reasons personal to the witness.⁶¹ Witness P-0119 has not reported any security incident following the inadvertent disclosure of information relating to his identity on 7 December 2020.

56. The Prosecution has now met with Witness P-0129 and has referred him to the VWS for protection advice.⁶² However, the VWS has yet to conduct its assessment, and protection measures that would allow for the disclosure of P-0129's identity have not yet been implemented.

V. CONCLUSION

57. For the above reasons, the Prosecution requests the Single Judge to authorise the non-disclosure of the identities of the Eighteen Witnesses, and the non-disclosure of six entire items of evidence relating to Witnesses P-0877, P-0581, P-0087 and P-0843.

⁵⁹ See ICC-02/05-01/20-242-Conf-Exp, paras. 17, 27 and 30.

⁶⁰ See ICC-02/05-01/20-242-Conf-Exp, paras. 19 and 27.

⁶¹ See ICC-02/05-01/20-242-Conf-Exp, para. 20.

⁶² See ICC-02/05-01/20-242-Conf-Exp, para. 22.

A handwritten signature in black ink that reads "James K. Stewart." The signature is written in a cursive, flowing style.

James Stewart
Deputy Prosecutor

Dated this 6th day of April 2021

At The Hague, the Netherlands