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No.: ICC-01/12-01/18

Date: **10 December 2018**

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Single Judge

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
*THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED
AG MAHMOUD***

Public Document

With Confidential Annexes A, B, C and D

**Fifteenth, Sixteenth, Seventeenth and Eighteenth Communications of the Office
of the Prosecutor on the Disclosure of Rule 77 Material**

Source: Office of the Prosecutor

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

Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Mr Yasser Hassan

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section Other**

Introduction

1. The Office of the Prosecutor, acting in accordance with rule 121(2)(c) of the Rules of Procedure and Evidence, hereby communicates material in its possession disclosed under rule 77 of the Rules and article 67(1)(b) of the Rome Statute.

Remarks

2. On Friday, 7 December 2018, the Office of the Prosecutor disclosed to the Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud: (a) *Rule 77 Pre-Confirmation Bundle No. 15* (Annex A) containing 1,283 pieces of evidence; (b) *Rule 77 Pre-Confirmation Bundle No. 16* (Annex B) containing 1,216 pieces of evidence; (c) *Rule 77 Pre-Confirmation Bundle No. 17* (Annex C) containing 1,500 pieces of evidence and (d) *Rule 77 Pre-Confirmation Bundle No. 18* (Annex D) containing 821 pieces of evidence. A total of 4,820 pieces of evidence are disclosed.

3. The 4,820 pieces of evidence are listed and described in tables A, B, C and D annexed to this communication.

4. The bundles are composed solely of photographs taken at various locations of interest in Timbuktu (see report MLI-OTP-0063-0037, page 0049)¹ which, for technical reasons, have had to be distributed over the four bundles mentioned above.

5. The Office of the Prosecutor has applied redactions to some of the photographs. The redactions are listed in the tables annexed hereto, in the right-hand column entitled *ICC-01/12-01/18 Expurgations appliquées dans le contenu du document*. The relevant images are the following:

- 1, 4, 47, 48, 54, 174-178, 228, 229, 262, 263, 290-297, 472-475, 499-503, 803, 815-820, 835-840, 1104-1106, 1116-1119, 1165, 1166, 1168-1173 in Annex A;
- 304-308, 548, 575, 634-639, 647-650, 1153-1156, 1183-1186, 1209-1212 in Annex B;

¹ Communicated on 18 October 2018.

- 23, 831-838, 871-877, 934-943 in Annex C; and
- 14, 20, 27, 28, 69-71, 76, 77, 92-96, 108, 128, 147, 203-217, 230, 237, 240, 241, 247-254, 261, 314-318, 325-327, 331, 332, 349-352, 365-367, 431-433, 462, 467, 473, 478, 518, 582, 586, 587, 597, 599, 617-620, 789 in Annex D.

6. The Office of the Prosecutor has thereby acted in conformity with the decision of the Single Judge of 16 May 2018.²

7. Code A.8 was used each time. The faces of soldiers who provided security for the photographs to be taken have been obscured. Exposure of their faces could put them at risk. Such exposure, allowing the identification of soldiers who provide security, could undermine the ability of the armed forces in question to provide occasional security support during other operations of the Office of the Prosecutor.

8. The redactions do not hinder the Defence's ability to properly examine the relevant photographs.

Confidentiality

9. The Office of the Prosecutor files Annexes A, B, C and D as confidential as they relate to an *inter partes* process between the Office of the Prosecutor and the Defence.

[signed]

Fatou Bensouda, Prosecutor

Dated this 10 December 2018

At The Hague, Netherlands

² ICC-01/12-01/18-31-tENG-Corr.