

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 16 November 2018

Date of submission: 29 November 2018

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács

SITUATION IN THE REPUBLIC OF MALI

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

Public

**With confidential, *EX PARTE*, Annexes A to F,
only available to the Prosecution and the Victims and Witnesses Unit**

**Public redacted version of the “Prosecution motion for authorisation
to withhold the identity of Witness MLI-OTP-P-0520, upon whose
evidence the Prosecution will rely at the confirmation hearing”,
16 November 2018, ICC-01/12-01/18-185-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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Other

Introduction

1. Pursuant to article 68(1) of the Rome Statute ("Statute") and rules 81(2) and (4) of the Rules of Procedure and Evidence ("Rules"), the Prosecution seeks the Single Judge's authorisation to withhold at this stage of the proceedings the identity of Prosecution Witness MLI-OTP-P-0520 from her [REDACTED] statements and annexes thereto, and from investigation notes to protect her safety, psychological well-being [REDACTED].
2. P-0520 is a witness [REDACTED] crimes committed during the occupation of Timbuktu by armed groups in 2012 and early 2013. She was [REDACTED] [REDACTED] flogged by one member of these armed groups. She was also imprisoned in inhumane conditions.
3. The Prosecution intends to rely on P-0520's evidence at the confirmation hearing. P-0520 initially agreed to disclosure of her identity and to testify. However, P-0520 faces certain risks to her physical and psychological well-being and further steps are necessary to manage her security situation.
4. Indeed:

- P-0520 currently resides in [REDACTED]¹ [REDACTED], [REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED], [REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

¹ There, she is the [REDACTED].

[REDACTED] : [REDACTED]
[REDACTED] ;

- In addition, [REDACTED]
[REDACTED] . [REDACTED]
[REDACTED] [REDACTED] ✓
[REDACTED]
[REDACTED]

Moreover, P-0520 expressed concerns regarding [REDACTED]
[REDACTED] in case people find out that she is a witness;

- Lastly, in case of deliberate or accidental disclosure of information, P-0520
is also at risk of psychological harm [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

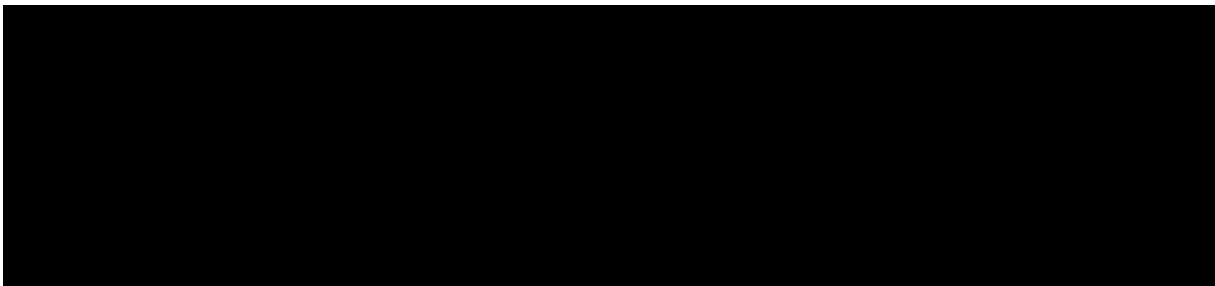
5. The Prosecution has [REDACTED]

[REDACTED]

6. P-0520, who developed security concerns after providing her statement, remains
in contact with the OTP. In the circumstances, [REDACTED]

[REDACTED]
[REDACTED]

7.



8. Pending [REDACTED] and at this early stage of the proceedings where the charges are not confirmed, the Prosecution submits that the non-disclosure of her identity is necessary and a reasonable measure of protection.

Confidentiality

9. Pursuant to regulation 23bis(1) of the Regulations of the Court, this motion and annexes A to F are filed *ex parte*, available only to the Prosecution and VWU. The motion discusses security concerns specific to P-0520. The annexes thereto contain identifying information.

10. These annexes are as follows:

- Annex A consists of the ICC statement of P-0520,² and two related annexes;³

- Annex B contains [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

² [REDACTED]

³ [REDACTED]

- [REDACTED]
- [REDACTED];
- Annex C is an investigation note dated [REDACTED] (with some requested⁵ and *proprio motu* redactions) in which the ICC investigators record that, [REDACTED] she stated that [REDACTED] [REDACTED] during the same period that she had been taken by the Islamists. P-0520 did not mention this in her ICC statement;⁶
 - Annex D contains [REDACTED]
[REDACTED]
[REDACTED];
 - Annex E contains other investigation notes regarding P-0520⁷ (with some requested⁸ and *proprio motu* redactions); and
 - Annex F contains an investigation note (with *proprio motu* redactions) [REDACTED] pertaining to the [REDACTED] events in 2012.⁹

11. The Prosecution will file a confidential redacted version of the present motion as soon as practicable.

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Background

12. The Prosecution intends to disclose the statements of P-0520 under article 61(3)(b) of the Statute and rule 76 of the Rules due to the incriminating evidence that she provides. This evidence is important to the Chamber's determination of the truth.
13. Considering the particular circumstances of this witness, including her vulnerability, the Prosecution requests at this early stage of the proceedings that the Single Judge authorise the redaction of her identity.

Applicable law

14. The Prosecution recalls and reproduces by reference its submissions on the applicable law in a prior motion and the Single Judge's decision resolving the motion.¹⁰

Submissions

15. The Prosecution submits that withholding P-0520's identity and other identifying information from her evidence is necessary and appropriate under rules 81(4) and 81(2) of the Rules.

A. Information on Prosecution Witness P-0520

16. P-0520 is a [REDACTED]-year-old Malian woman of [REDACTED] ethnicity born and raised in [REDACTED].¹¹ She works as a [REDACTED] in [REDACTED], where she currently lives.¹²

17. During the occupation of Timbuktu by AQIM and Ansar Dine, she [REDACTED]
[REDACTED].¹³ [REDACTED]

¹⁰ ICC-01/12-01/18-48-Conf-Exp, para. 12-26; ICC-01/12-01/18-88-Conf-Exp, particularly para. 15-17.

¹¹ [REDACTED]

¹² [REDACTED]

[REDACTED]. One day, an Islamist named [REDACTED] [REDACTED]
[REDACTED] [REDACTED].¹⁴ [REDACTED] [REDACTED]
[REDACTED]⁵ P-0520
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] she no longer had the right to speak.¹⁶ [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]¹⁷ [REDACTED]
[REDACTED]¹⁸ [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]¹⁹ [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]²⁰ [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]²¹ [REDACTED] [REDACTED]²²

18. On that first night, P-0520 [REDACTED]²³
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]²⁴

19. [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

[REDACTED]²⁵ [REDACTED] [REDACTED] [REDACTED]
 [REDACTED]²⁶ [REDACTED]
 [REDACTED]
 [REDACTED]²⁷ [REDACTED]
 [REDACTED]²⁸ [REDACTED]
 [REDACTED]²⁹

20. [REDACTED]³⁰ Each time [REDACTED]
 [REDACTED] P-0520.³¹ The [REDACTED]
 [REDACTED]³² [REDACTED]
 [REDACTED]³³ [REDACTED]
 [REDACTED]³⁴ One day, she looked [REDACTED] and recognised a
 [REDACTED]³⁵ Even before P-0520 was
 brought to the [REDACTED] she had heard that [REDACTED] an
 Islamist.³⁶

21. One night, [REDACTED]³⁷ [REDACTED]
 [REDACTED]
 [REDACTED]³⁸ [REDACTED] what he had

25 [REDACTED]
 26 [REDACTED]
 27 [REDACTED]
 28 [REDACTED]
 29 [REDACTED]
 30 [REDACTED]
 31 [REDACTED]
 32 [REDACTED]
 33 [REDACTED]
 34 [REDACTED]
 35 [REDACTED]
 36 [REDACTED]
 37 [REDACTED]
 38 [REDACTED]

don [REDACTED]³⁹ [REDACTED] this flogging.⁴⁰

22. P-0520 heard from another woman [REDACTED] that [REDACTED] and that he was [REDACTED].⁴¹ This woman, who P-0520 believed was [REDACTED], [REDACTED] P-0520 and other women and children [REDACTED].⁴² P-0520 noted that the other men regarded [REDACTED] [REDACTED].⁴³ For instance, [REDACTED] [REDACTED].⁴⁴

23. Once, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].⁴⁵ The [REDACTED] [REDACTED], who was staying in th [REDACTED], [REDACTED] [REDACTED]'s associate, [REDACTED].⁴⁶ After that, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].⁴⁷ [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].⁴⁸ [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].⁴⁹

39 [REDACTED]
 40 [REDACTED]
 41 [REDACTED]
 42 [REDACTED]
 43 [REDACTED]
 44 [REDACTED]
 45 [REDACTED]
 46 [REDACTED]
 47 [REDACTED]
 48 [REDACTED]
 49 [REDACTED]

24. [REDACTED]⁵⁰
 [REDACTED]
 [REDACTED]⁵¹ [REDACTED]
 [REDACTED]
 [REDACTED]⁵²

25. [REDACTED] brought P-0520 back [REDACTED]
 [REDACTED]⁵³ [REDACTED] [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]⁵⁴ [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 She returned to the [REDACTED]⁵⁵ [REDACTED] all night, which she
 [REDACTED]⁵⁶ [REDACTED]
 [REDACTED]⁵⁷ [REDACTED]
 [REDACTED]
 [REDACTED]⁵⁸

26. One day, [REDACTED]
 [REDACTED] he returned, bringing P-0520 to [REDACTED] again, and “[*lui*

50 [REDACTED]
 51 [REDACTED]
 52 [REDACTED]
 53 [REDACTED]
 54 [REDACTED]
 55 [REDACTED]
 56 [REDACTED]
 57 [REDACTED]
 58 [REDACTED]

[REDACTED] .⁵⁹ [REDACTED]
 [REDACTED] [REDACTED], so she remained.⁶⁰

27. [REDACTED] [REDACTED]
 [REDACTED]⁶¹ [REDACTED]
 [REDACTED].⁶² He flogged her until she lost consciousness.⁶³

28. At some point, the Islamists learned that the Malian authorities would return, and they started to flee.⁶⁴ Some Islamists brought their wives with them.⁶⁵ [REDACTED]
 [REDACTED] [REDACTED]⁶⁶ He brought her [REDACTED]
 [REDACTED] [REDACTED]⁶⁷ [REDACTED]
 [REDACTED] [REDACTED] h [REDACTED].⁶⁸ [REDACTED]
 [REDACTED] [REDACTED] P-0520 discovered that [REDACTED] [REDACTED]
 [REDACTED]⁶⁹

29. P-0520 eventually [REDACTED] [REDACTED]⁷⁰ P-0520 does not know how much time she spent with [REDACTED] and the Islamists, but she estimates that it must have been [REDACTED]
 [REDACTED]⁷¹

30. P-0520 has suffered, and continues to suffer serious psychological harm as a result of this experience in 2012. [REDACTED]
 [REDACTED]

59 [REDACTED]
 60 [REDACTED]
 61 [REDACTED]
 62 [REDACTED]
 63 [REDACTED]
 64 [REDACTED]
 65 [REDACTED]
 66 [REDACTED]
 67 [REDACTED]
 68 [REDACTED]
 69 [REDACTED]
 70 [REDACTED]
 71 [REDACTED]

[REDACTED] 72 [REDACTED]
 [REDACTED]
 [REDACTED] 73 [REDACTED]
 [REDACTED]
 [REDACTED] 74 [REDACTED]

31. [REDACTED]
 [REDACTED] " [REDACTED] 75 [REDACTED]
 [REDACTED]
 [REDACTED] 76 [REDACTED]

32. P-0520 is an important witness. Her account of the events [REDACTED]
 demonstrates *inter alia* the crimes [REDACTED]
 perpetrated by members of the Islamic police, and the systematic nature of the
 crimes [REDACTED].

B. Objective risks to P-0520's physical and psychological well-being

33. Pursuant to article 68 of the Statute and rule 81(4) of the Rules, the Prosecution
 requests that P-0520's identity and identifying information be redacted from her
 statements and from the investigation notes because of the objective risks posed
 to her physical and psychological well-being.

72 [REDACTED]
 73 [REDACTED]
 74 [REDACTED]
 75 Annex B, [REDACTED]
 76 [REDACTED]

Risks of physical harm to P-0520 and her family

34. P-0520 resides in [REDACTED]

[REDACTED]⁷⁷ When her identity as a witness and her evidence are disclosed, certain risks may be posed which still need to be addressed.

35. First, the Prosecution has determined that whilst P-0520 lives in [REDACTED]

- [REDACTED]
[REDACTED]⁷⁸
- [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED];
accordingly, [REDACTED]
[REDACTED] [REDACTED];
- moreover, because P-0520 [REDACTED]

36. Second, P-0520 [REDACTED]

[REDACTED]⁷⁹ The risks of physical harm to P-0520 when [REDACTED] is high:

⁷⁷ She stated: “je suis déjà allée chez eux, j’ai peur qu’ils reviennent et qu’ils me reconnaissent”.

⁷⁸

[REDACTED]
[REDACTED].

- the Prosecution recalls that the security situation in northern Mali, and in and around Timbuktu, remains precarious. The Prosecution refers to prior submissions for redactions⁸⁰ as well as [REDACTED]
[REDACTED]⁸¹ [REDACTED]
[REDACTED]⁸² and the [REDACTED]
[REDACTED]⁸³
- in particular, the risk of physical harm or death to the individual is deemed high if it becomes known to the armed groups that an individual has cooperated with the Court. This conclusion is based in part on documented instances in which AQIM and other groups have carried out targeted attacks and assassinations against individuals suspected of cooperating with international organisations;⁸⁴
- the main actors that pose a threat against Prosecution witnesses or potential witnesses include a coalition of “jihadist” groups consisting of, *inter alia*, Ansar Dine and AQIM (with which AL HASSAN was associated, and that operate throughout Mali and the neighbouring countries, *i.e.* the same armed groups at issue in this case) and the *Jama’at Nusrat Al-Islam*

⁸⁰ ICC-01/12-01/15-48-Conf-Exp, para. 12-26; ICC-01/12-01/18-88-Conf-Exp, particularly para. 15-17.

⁸¹ [REDACTED]

⁸² [REDACTED]

⁸³ [REDACTED]

⁸⁴ See, *e.g.*, “Mali : Ansar Dine revendique l’attaque contre la Minusma à Kidal,” RFI, 28 November 2015 (available at <http://www.rfi.fr/afrique/20151128-mali-ansar-dine-revendique-attaque-contre-minusma-kidal>); “Mali: Le groupe Ansar Eddine envoie des tracts aux populations locales,” Sahelien.com., 7 January 2015, MLI-OTP-0022-0404. See also “Deux Touaregs Imghads, guides de la force Barkhane, égorgés à Aguelhok,” Mali-Web, February 2015 (available at <http://mali-web.org/nord-mali/deux-touaregs-imghads-guides-de-la-force-barkhane-egorges-a-aguelhok>); “Nouvelle victime à Zoueira près de Tombouctou : Un présumé informateur des forces françaises éliminé,” Maliweb, November 2014 (available at <https://www.maliweb.net/la-situation-politique-et-securitaire-au-nord/nouvelle-victime-zoueira-pres-tombouctou-presume-informateur-forces-francaises-elimine-629332.html>); “Mali: des civils enlevés par des jihadistes à la frontière nigérienne,” RFI, March 2015 (available at http://www.rfi.fr/afrique/20150312-trois-civils-maliens-enleves-jihadistes-frontiere-nigerienne-mujao/#./?&_suid=144768778866503002341593728486); UNSC, Report of the Secretary-General on the situation in Mali, 26 December 2017, MLI-OTP-0058-0400; UNGA, Report of the Independent Expert on the situation of human rights in Mali, 2 February 2018, MLI-OTP-0058-0354; UNSC, Report of the Secretary-General on the situation in Mali, 29 March 2018, MLI-OTP-0058-0368; Reuters, Al Qaeda affiliate claims responsibility for Burkina Faso attacks, 3 March 2018, MLI-OTP-0058-0419.

wal-Muslimin (“Groupe pour le soutien de l’Islam et des musulmans” or “JNIM”,⁸⁵ established in March 2017 and led by Iyad Ag GHALY).⁸⁶

- concretely, one scenario under which armed groups such as AQIM and Ansar Dine and JNIM could obtain knowledge about this witness is through an intentional or inadvertent disclosure of information provided to the Suspect and the Defence under the Court’s disclosure regime;
- in this regard, the Prosecution emphasises that P-0520 could be placed at risk even if the Defence does not desire or intend such a result. [REDACTED]

[REDACTED]

[REDACTED] It will be even more difficult for the Defence to operate discretely [REDACTED] and to effectively avoid any inadvertent association of witnesses with the Court or with international organisations more generally. Consequently, the existing confidentiality obligations of counsel are insufficient by themselves to protect witnesses from the serious threats described above.

37. Third, in this context, there are also potential risks posed to P-0520’s direct family

([REDACTED]) [REDACTED]:

- P-0520 has expressed serious concerns about risks to her family [REDACTED]

[REDACTED]

[REDACTED]⁸⁷ [REDACTED]

[REDACTED];

⁸⁵ *Déclaration à la presse faite par le Conseil de sécurité sur l’attaque ayant visé la MINUSMA*, SC/12810-PKO/636, 4 May 2017, MLI-OTP-0046-9012; *Déclaration à la presse faite par le Conseil de sécurité à l’occasion de l’attentat terroriste perpétré contre la MINUSMA*, SC/12837-PKO/644, 23 May 2017, MLI-OTP-0046-9011.

⁸⁶ “Les groupes terroristes du Nord Mali se réunifient avec Iyad AG GHALY comme Leader”, *Malijet*, 2 March 2017, MLI-OTP-0041-0041, p. 0043 (version française) et MLI-OTP-0041-0037 at 0038; video, “Announcement of the victory of Islam and Muslim groups/ Speech Sheikh Abou Fadl”, 6 March 2017, MLI-OTP-0042-0178, de 00:02:36:00 à 00:03:06:00.

⁸⁷ [REDACTED].

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], [REDACTED].

38. At the request and under arrangements made by the OTP, [REDACTED]

[REDACTED]

39. Meanwhile P-0520 expressed concerns about [REDACTED]

[REDACTED]⁸⁸ [REDACTED]
[REDACTED]
[REDACTED] upon
disclosure of her identity as a witness.⁸⁹

40. P-0520 remains in contact with the Court. She was informed [REDACTED]

[REDACTED], [REDACTED] [REDACTED]⁹⁰.

41. [REDACTED] [REDACTED] before the
confirmation hearing: [REDACTED]

[REDACTED]

[REDACTED] In the
meantime, the Prosecution submits that redaction of her identity is necessary.

42. [REDACTED] is attached as Annex D.

⁸⁸ [REDACTED]
⁸⁹ [REDACTED]
⁹⁰ [REDACTED]

Psychological risk of harm to P-0520

43. P-0520 is a vulnerable witness. [REDACTED]
 [REDACTED]. P-0520 states that [REDACTED]
 [REDACTED]
 [REDACTED]⁹¹ [REDACTED]
 [REDACTED]⁹²

44. [REDACTED]
 [REDACTED]⁹³ [REDACTED]
 [REDACTED]
 [REDACTED]⁹⁴ [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]⁹⁵ [REDACTED]
 [REDACTED]
 [REDACTED]⁹⁶

45. In that situation, it is also incumbent upon the Court to protect her from psychological harm, pursuant to article 68 of the Statute.

46. [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]⁹⁷ Nevertheless, disclosing P-0520's identity to the Defence at this early stage in the proceedings – in particular before the charges have been confirmed – unnecessarily risks that [REDACTED] [REDACTED]

⁹¹ [REDACTED]
⁹² [REDACTED]
⁹³ [REDACTED]
⁹⁴ [REDACTED]
⁹⁵ [REDACTED]
⁹⁶ [REDACTED]

⁹⁷ ICC-01/12-01/18-40-Anx, para. 15.

[REDACTED] through the Defence's investigative activities by way of inadvertent or deliberate disclosure.

47. P-0520 falls under the category of vulnerable witnesses as she is a victim [REDACTED]

[REDACTED] The requested redactions are consistent with the Court's duty to "take appropriate measures to protect the safety, physical and psychological well-being, privacy and dignity of victims and witnesses", [REDACTED]

48. If the charges are confirmed and P-0520 testifies at trial, then the Prosecution

[REDACTED]

49. However, in the meantime, the Prosecution submits that redactions of her identity for the purposes of the confirmation hearing pursuant to article 68 and rule 81(4) of the Rules, are the most appropriate and least restrictive means of protection.

C. Redacting information identifying P-0520 from her statements and investigation notes will not prejudice the Defence at this stage of the proceedings

50. The redactions applied to P-0520's statements and the investigation notes will not result in any prejudice to the Defence, or undermine the fairness and impartiality of the confirmation proceedings.

51. Rather than simply an anonymous summary, the Defence will be provided with P-0520's two statements and investigation notes, albeit with the proposed

redactions of information identifying her together with any necessary *proprio motu* redactions.⁹⁸

52. These redactions will not hinder the Defence's understanding of the substance of P-0520's account. Accordingly, these redactions are the least restrictive and most reasonable solution at this stage of the proceedings.

53. The Single Judge stressed that "*la Chambre, dans sa décision sur la confirmation des charges, ne prendra en compte que la version des éléments de preuve telle qu'elle a été communiquée à la défense.*"⁹⁹ As such, the Prosecution cannot rely on information redacted from statements disclosed to the Defence.

54. P-0520's evidence does not seem to address the Suspect's direct perpetration of crimes because it instead concerns crimes perpetrated by an Islamist named [REDACTED] against P-0520 in Timbuktu, including [REDACTED] her flagellation [REDACTED]

55. In addition, the Prosecution intends to disclose in advance of the confirmation hearing the identity of other Prosecution witnesses, as well as a number of items of documentary evidence containing similar information as that contained in P-0520's statements, including information [REDACTED] committed in Timbuktu.

56. Lastly, the Prosecution will disclose the identity of P-0520 prior to trial should the relevant charges against the Suspect be confirmed.

⁹⁸ ICC-01/12-01/18-31, para. 29.

⁹⁹ ICC-01/12-01/18-31, para. 32.

D. The redaction of P-0520's statements and the investigation notes is likewise necessary under rule 81(2) of the Rules to protect the Prosecution's further or ongoing investigations

57. As mentioned in prior filings, the Appeals Chamber has accepted that “further or ongoing investigations may be prejudiced if potential prosecution witnesses are interfered with in a manner that could lead to them being unable to cooperate further with the Prosecutor.”¹⁰⁰

58. Should any harm befall P-0520 as a result of the disclosure of her identity, this would likely preclude her from further cooperating with the Prosecution and testifying at trial if the charges against the Suspect are confirmed. Any incident harming P-0520 would also discourage other witnesses and potential witnesses from cooperating with the Prosecution and providing evidence.

Relief requested

59. Based on the foregoing, the Prosecution seeks from the Single Judge an order under article 68(1) of the Statute and rules 81(2) and (4) of the Rules authorising the Prosecution:

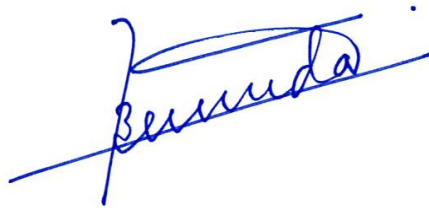
- to not disclose the identity and identifying information of P-0520 at this stage of the proceedings;
- to disclose a redacted version of P-0520's ICC statement (in Annex A, and the Arabic translation thereof) and [REDACTED] in Annex B and the related translation) and of the investigation notes¹⁰¹;

¹⁰⁰ ICC-01/12-01/18-48-Conf-Exp, para. 55, citing *Prosecutor v. Katanga*, Judgment on Katanga's Appeal against the First Redaction Decision, ICC-01/04-01/07-476, 13 May 2008, para. 49.

¹⁰¹ And translations thereof.

- to disclose the redacted ICC statement, the annexes thereto, and [REDACTED] [REDACTED] with redactions of any identifying information to their metadata;
- to disclose the investigation notes, including the extract from P-0520's [REDACTED] in Annex F¹⁰², with redactions of any identifying information to their metadata.

60. In the event that the Single Judge were to deny this motion in whole or in part, the Prosecution requests an order permitting the Prosecution to make any necessary disclosures regarding P-0520's identity only after [REDACTED] [REDACTED]
[REDACTED]



Fatou Bensouda, Prosecutor

Dated this 16th day of November 2018

At The Hague, The Netherlands

¹⁰² Without prejudice to *proprio motu* redactions.