

**Cour
Pénale
Internationale**
**International
Criminal
Court**



Original: **English**

No.: **ICC-01/12-01/18**
Date: **30 November 2018**
Date of submission:
13 February 2019

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

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

**Public redacted version of the “Update concerning Witness
MLI-OTP-P-0111 and request for non-disclosure of documents”,
30 November 2018, ICC-01/12-01/18-195-Secret-Exp**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Mr Yasser Hassan

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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

5. On 6 November 2018, the Chamber issued its *Décision relative aux requêtes du Procureur aux fins d'autorisation de la non-communication de l'identité des témoins P-0100, P-0111, P-0130, P-0576, P-0581, P-0583, P-0589, P-0592, P-0593 et P-0594* ("the Decision").⁶
6. In the meantime, the Prosecution [REDACTED].
Eventually, on [REDACTED].
It turns out that P-0111 [REDACTED].
7. Considering [REDACTED] as well as the threat posed to persons cooperating with international organisations in Mali, the Prosecution submits that the redactions granted by the Single Judge in the Decision are still entirely justified.

Confidentiality

8. Pursuant to regulation 23bis(2) of the Regulations of the Court, this filing and its annexes⁷ are filed confidential, *ex parte*, available only to the Prosecution and Victims and Witnesses Unit as they contain confidential information pertaining to Witness P-0111, the disclosure of which may place the witness at risk.
9. The Prosecution will simultaneously file a confidential redacted version of the present filing.

⁶ "Décision relative aux requêtes du Procureur aux fins d'autorisation de la non-communication de l'identité des témoins P-0100, P-0111, P-0130, P-0576, P-0581, P-0583, P-0589, P-0592, P-0593 et P-0594.", 6 November 2018, ICC-01/12-01/18-174-Conf-Exp-Red.

⁷ [REDACTED]

Submissions

10. The Prosecution submits that despite [REDACTED] withholding his identity and other information which might lead to his exposure, as ordered by the Decision, is still fully necessary at this stage under both rule 81(2) and rule 81(4) in order not to put him and/or his family at risk and to protect the Prosecution's ability to investigate.

11. On [REDACTED] P-0111 stated that [REDACTED]

[REDACTED]⁸ The Prosecution understands that P-0111 [REDACTED]

12. Considering [REDACTED] his safety remains at high risk [REDACTED] due to the presence of the armed groups and their ability to conduct operations [REDACTED]

[REDACTED]⁹ The Prosecution further refers to its arguments concerning the witnesses

[REDACTED]¹⁰

13. It should be noted that [REDACTED]¹¹ and that the Prosecution still does not envisage having

⁸ See [REDACTED]

⁹ [REDACTED]

¹ See *mutatis mutandis* ICC-01/12-01/18-136-Conf-Exp-Red, para. 21-27.

¹¹ [REDACTED]

to rely on P-0111 at the confirmation hearing, but still needs to disclose his evidence under rule 77.

14. Last, in this context, the Prosecution also requests under both rule 81(2) and rule 81(4) the authorisation to not disclose the documents in Annex A since their disclosure, in conjunction with P-0111's transcripts, would likely reveal the witness' identity, even if redactions are applied thereto. This will not create any prejudice to the Defence.



Fatou Bensouda, Prosecutor

Dated this 30th day of November 2018
At The Hague, The Netherlands