

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **15 March 2019**

Date of submission:
6 June 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***

Urgent

Public

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

**Public redacted version of the "Prosecution's Supplemental request for
authorisation to withhold the identity of Witness MLI-OTP-P-0111 upon whose
evidence the Prosecution will not rely at the confirmation of charges hearing",
15 March 2019, ICC-01/12-01/18-280-Secret-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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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
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Victims and Witnesses Unit

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Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. Pursuant to article 68(1) of the Rome Statute (“Statute”) and rules 81(2) and 81(4) of the Rules of Procedure and Evidence (“Rules”), the Prosecution seeks the Single Judge’s authorisation to withhold the identity of Prosecution Witness MLI-OTP-P-0111 from his ICC statement obtained on [REDACTED] and from an investigation note containing substantive information obtained from P-0111 outside of his interview.
2. On 6 September 2018, the Prosecution filed a request for authorisation to withhold the identity of Prosecution Witnesses P-0111 upon whose evidence the Prosecution will not rely at the confirmation hearing (“Redaction Request”).¹
3. On 6 November 2018, the Single Judge granted the Redaction Request (“6 November 2018 Decision”).²
4. On 30 November 2018, the Prosecution filed an update concerning P-0111 and a request for non-disclosure of documents (“30 November 2018 Update”).³
5. On [REDACTED] the Prosecution’s investigators interviewed P-0111 [REDACTED] recently been finalised [REDACTED]
6. [REDACTED]
[REDACTED]⁴
[REDACTED]
[REDACTED]

¹ [REDACTED]

² [REDACTED].

³ [REDACTED].

⁴ [REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]”⁵ [REDACTED]

[REDACTED]

[REDACTED]⁶

Confidentiality

7. Under regulation 23*bis*(2) of the Regulations, this application and its annexes are classified secret *ex parte* as they relate to the 30 November 2018 Update, [REDACTED]

[REDACTED]

[REDACTED]⁷

8. The present request contains identifying information, including in the annexes. These annexes are divided as follows:

- Annex A contains [REDACTED] P-0111’s interview on [REDACTED]
[REDACTED];⁸ and
- Annex B contains an investigation note relaying information P-0111 provided [REDACTED]

[REDACTED]

[REDACTED]⁹

9. A secret redacted version of the present motion, available to the Defence, will be filed as soon as practicable.

⁵ [REDACTED]
⁶ [REDACTED]
⁷ [REDACTED]
⁸ [REDACTED]
⁹ [REDACTED]

confirmation proceedings. The Prosecution maintains its position that it will not rely on P-0111's evidence for the confirmation hearing, and will be disclosing his evidence under rule 77 of the Rules.

Relief requested

14. Based on the foregoing, the Prosecution seeks the Single Judge's authorisation to disclose [REDACTED] P-0111's [REDACTED] interview and an investigation note with redactions to their content and/or metadata to prevent the identification of P-0111 as a witness upon whose evidence the Prosecution will not rely for the confirmation hearing.



Fatou Bensouda
Prosecutor

Dated this 15th of March 2019

At The Hague, The Netherlands