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

Date: **5 July 2019**

Date of submission:

3 February 2020

TRIAL CHAMBER X

Before: Judge Kimberly Prost, 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 secret, *EX PARTE*, Annexes A and B
Available to Prosecution and Victims and Witnesses Unit only**

**Public redacted version of the “Prosecution’s second request regarding the disclosure of material concerning witnesses whose evidence was disclosed in the form of anonymous summary or with redactions”,
5 July 2019, ICC-01/12-01/18-396-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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**Victims Participation and Reparations
Section**

Other

I. Introduction

1. Following up on its request filed on 28 June 2019 ("First Request")¹, the Office of the Prosecutor ("Prosecution" or "OTP") submits to the Single Judge investigation notes regarding [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], whose evidence has been disclosed with redactions or in the form of an anonymous summary and [REDACTED] has been withheld from disclosure pursuant to the Single Judge's authorisation. It additionally submits [REDACTED] regarding [REDACTED] and [REDACTED], which are similar in nature to documents the non-disclosure of which has been authorised by the Single Judge.

II. Confidentiality

2. Pursuant to regulation 23bis(2) of the Regulations of the Court, this filing and its Annexes A and B are submitted as secret, *ex parte*, available only to the Prosecution and the Victims and Witnesses Unit as they contain sensitive information and/or information classified as such (see e.g. par. 4 *in fine*).
3. At this stage, it is not possible to file a redacted version available to the Defence. The present request contains sensitive information disclosure of which will reveal [REDACTED] and, as a result, might indirectly reveal [REDACTED]
[REDACTED]
[REDACTED]. No meaningful redactions seem feasible.

III. Submissions

4. [REDACTED], [REDACTED], [REDACTED], and [REDACTED] are witnesses whom the Prosecution will not rely on for the purpose of the confirmation of charges. Pursuant to the Chamber's

¹ [REDACTED].

██████, which have been recently collected⁸. They are similar in nature to the documents with respect to which the Chamber has authorised non-disclosure on the ground that their contents could reveal the identity of the witnesses concerned.⁹

Conclusion

9. The Prosecution submits to the Single Judge the investigation notes contained in Annex A and [REDACTED] contained in Annex B and, in light of [REDACTED] [REDACTED] and the Decisions referred to above, leaves to the Chamber's consideration whether these notes can be disclosed to the Defence at this stage.

Bessuda

Fatou Bensouda, Prosecutor

Dated this 5th day of July 2019
At The Hague, the Netherlands

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