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TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Kimberly Prost

SITUATION IN THE REPUBLIC OF MALI

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

Public

Public redacted version of ‘Second Decision on the Prosecution request for delayed disclosure of the identities of Witnesses P-0542, P-0570, and P-0603’

Decision to be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

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TRIAL CHAMBER X of the International Criminal Court, in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, issues this ‘Second Decision on the Prosecution request for delayed disclosure of the identities of Witnesses P-0542, P-0570, and P-0603’.

I. Procedural history

1. Between 19 July 2018 and 10 October 2019, the Single Judge of Pre-Trial Chamber I (hereinafter: ‘PTC I’) granted motions from the Office of the Prosecutor (the ‘Prosecution’) to withhold from the Defence the identities of a number of witnesses, including notably P-0553 and P-0574,¹ P-0570,² and P-0538, P-0542 and P-0603.³
2. On 30 December 2019, the Single Judge of this Chamber rendered a decision setting up a procedure and relevant time limits concerning the disclosure and re-disclosure of evidence (the ‘Disclosure Decision’).⁴ By way of this decision, the Single Judge notably instructed the Prosecution to file any application to seek authorisation to delay the disclosure of the identity of a witness by 10 February 2020.⁵ This deadline was later postponed to 10 March 2020.⁶
3. On 6 January 2020, the Chamber issued a decision setting the commencement date of the trial to 14 July 2020 and adopting a calendar leading up to this date.

¹ Decision on the Prosecution’s Request for Authorization to Withhold the Identities of Witnesses P-0553 and P-0574, 25 February 2019, ICC-01/12-01/18-184-Conf-Exp-tENG (confidential *ex parte*, only available to the Prosecution and the VWU; original dated 16 November 2018; confidential *ex parte* redacted version available to the Defence was filed on the same day).

² Décision relative à la requête du Procureur aux fins d’autorisation de la non-communication de l’identité du témoin MLI-OTP-P-0570, 20 February 2019, ICC-01/12-01/18-251-Secret-Exp (secret *ex parte*, only available to the Prosecution and the VWU with a secret *ex parte* annex, only available to the Prosecution and the VWU; a secret *ex parte* redacted version available to the Defence was filed on the same day).

³ Décision relative aux requêtes du Procureur aux fins d’autorisation de la non-communication de l’identité des témoins MLI-OTP-P-0520, MLI-OTP-P-0595, MLI OTP-P-0538, MLI-OTP-P-0542 et MLI-OTP-P-0603, 1 May 2019, ICC-01/12-01/18-322-Conf-Exp (confidential *ex parte*, only available to the Prosecution and the VWU with a confidential *ex parte* annex, only available to the Prosecution and the VWU; a confidential *ex parte* redacted version available to the Defence was filed on the same day).

⁴ Decision on the evidence disclosure protocol and other related matters, ICC-01/12-01/18-546.

⁵ Disclosure Decision, ICC-01/12-01/18-546, para. 20.

⁶ Decision on Prosecution request for a variation of time limits relating to the disclosure of evidence and scheduling a second status conference, 22 January 2020, ICC-01/12-01/18-558.

It notably set 14 April 2020 as the deadline for the Prosecution to finalise its evidence disclosure.⁷ This deadline was later postponed to 12 May 2020.⁸

4. On 10 March 2020, the Prosecution filed a request seeking the authorisation to temporarily withhold from the Defence the identities and identifying information of six witnesses, namely P-0538, P-0542, P-0553, P-0570, P-0574, and P-0603, and to continue to temporarily maintain the redactions to their associated material and non-disclosure of certain documents, until 45 days before their testimony (the ‘Prosecution Request’).⁹
5. On 20 March 2020, pursuant to instructions from the Single Judge,¹⁰ the Victims and Witnesses Unit (the ‘VWU’) submitted its observations on the Prosecution Request.¹¹
6. On 25 and 26 March 2020, pursuant to instructions from the Single Judge,¹² the Prosecution¹³ and the VWU¹⁴ submitted complementary information in relation to the Prosecution Request.
7. On 26 March 2020, the Defence filed its response, opposing the Prosecution Request.¹⁵
8. On 15 April 2020, the Chamber issued a decision on the Prosecution Request (the ‘First Decision on delayed disclosure’), authorising the delayed disclosure of the identities and identifying information of P-0538, P-0553 and P-0574 until 45 days before their testimony and postponing any determination regarding P-

⁷ Decision Setting the Commencement Date of the Trial, ICC-01/12-01/18-548.

⁸ Decision on the Prosecution request for extension of deadlines relating to the disclosure of evidence and a postponement of the starting date for trial, 20 March 2020, ICC-01/12-01/18-677.

⁹ Prosecution’s request for delayed disclosure for MLI-OTP-P-0538, MLI-OTP-P-0542, MLI-OTP-P-0553, MLI-OTP-P-0570, MLI-OTP-P-574 and MLI-OTP-P-0603, ICC-01/12-01/18-646-Conf-Exp (*ex parte* Prosecution and VWU only; with *ex parte* Prosecution and VWU only Annexes A to F; a confidential redacted version of the request was filed on 13 March 2020, ICC-01/12-01/18-646-Conf-Red).

¹⁰ Email from the Chamber to the parties and participants, 13 March 2020, at 15:59.

¹¹ Email from the VWU to the Chamber, 20 March 2020, at 11:28.

¹² Email from the Chamber to the Prosecution and the VWU, 23 March 2020, at 16:12.

¹³ Email from the Prosecution to the Chamber, 25 March 2020, at 15:56.

¹⁴ Email from the VWU to the Chamber, 26 March 2020, at 15:52.

¹⁵ Defence response to ‘Confidential redacted version of the “Prosecution’s request for delayed disclosure for MLI-OTP-P-0538, MLI-OTP-P-0542, MLI-OTP-P-0553, MLI-OTP-P-0570, MLI-OTP-P-574 and MLI-OTP-P-0603”, 10 March 2020, ICC-01/12-01/18-646-Conf-Exp’, ICC-01/12-01/18-683-Conf (with confidential *ex parte* Defence and Registry only Annexes A and B).

0542, P-0570 and P-0603 (the ‘Witnesses’) pending [REDACTED].¹⁶ In this regard, the Chamber instructed the Prosecution to provide an update on the situation of these three witnesses by 4 May 2020 and to indicate whether it reiterates its request for the delayed disclosure of their identities and identifying information until 45 days before their testimony.¹⁷

9. On 4 May 2020, the Prosecution submitted an *ex parte* update on the situation of P-0542, P-0570 and P-0603, and reiterated its request to keep withholding from disclosure to the Defence the identities and identifying information of these witnesses, as well as to continue to temporarily maintain the redactions to their associated material and non-disclosure of certain documents, until 45 days prior to their testimony (the ‘Prosecution Update’).¹⁸ The Prosecution notably confirms that [REDACTED].¹⁹ The Prosecution further argues that [REDACTED].²⁰

II. Applicable law

10. The Chamber refers to its First Decision on delayed disclosure and incorporates by reference the applicable law and the criteria for granting requests for delayed disclosure set out in detail in that decision.²¹

III. Analysis

11. At the outset, the Chamber stresses that, in the below assessments, it has taken into consideration the arguments presented by the parties and participants in relation to the Prosecution Request, as summarised in its First Decision on delayed disclosure.²² Notably, it has taken into account the Prosecution’s submission that physical harm and/or intimidation to Prosecution witnesses would in turn prejudice these proceedings, as it would be extremely detrimental

¹⁶ Decision on the Prosecution request for delayed disclosure of the identities of Witnesses P-0538, P-0542, P-0553, P-0570, P-0574, and P-0603, ICC-01/12-01/18-741-Conf-Exp (a confidential redacted version was filed on the same day, ICC-01/12-01/18-741-Conf-Red).

¹⁷ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Red, para. 40.

¹⁸ Prosecution’s update on contact with and situation of witnesses MLI-OTP-P-0542, MLI-OTP-P-0570 and MLI-OTP-P-0603, ICC-01/12-01/18-782-Conf-Exp (confidential *ex parte*, available to the Prosecution and VWU only). See also Prosecution Request, ICC-01/12-01/18-646-Conf-Red, para. 76.

¹⁹ Prosecution Update, ICC-01/12-01/18-782-Conf-Exp, paras 1, 4.

²⁰ Prosecution Update, ICC-01/12-01/18-782-Conf-Exp, paras 5-6.

²¹ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Red, paras 18-27.

²² First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Exp, paras 8-17.

to the ability and willingness of other witnesses to cooperate with the Prosecution.²³ The Chamber has also considered the information provided recently by the Registry concerning the general situation in Mali, as set out in its First Decision on delayed disclosure.²⁴

A. Individual assessment of P-0542

12. The Chamber recalls that, in rendering its First Decision on delayed disclosure, and deciding that there was an objective risk to P-0542's safety linked to the immediate disclosure of her identity to the Defence,²⁵ it considered (i) her personal circumstances, in particular, the fact that she [REDACTED] and [REDACTED], being [REDACTED]; (ii) her specific profile, in particular factors which fall within the provisions of Article 68(1) of the Statute, such as the nature of the crimes allegedly committed against her, [REDACTED], [REDACTED], as well as the risk of stigmatisation that exists [REDACTED], [REDACTED], [REDACTED]; (iii) the specific concerns she expressed about testifying; together with (iv) the general security situation in Mali.²⁶
13. The Chamber further recalls that, [REDACTED].²⁷ In this regard, the Chamber notes the update provided by the Prosecution, notably the fact that [REDACTED] and [REDACTED].²⁸ The Chamber further observes that, due to the extraordinary situation arising from the COVID-19 pandemic and the resulting restrictions, it is unclear [REDACTED].²⁹

²³ Prosecution Request, ICC-01/12-01/18-646-Conf-Red, paras 3, 57.

²⁴ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Red, para. 28, *referring to* First Registry Report on the Security Situation in Mali, 31 January 2020, ICC-01/12-01/18-571-Conf (with confidential Annex I and confidential *ex parte* Annex II, only available to the Registry).

²⁵ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Exp, para. 32.

²⁶ As set out in the First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Red, paras 28-29.

²⁷ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Exp, para. 33 *referring to* Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 35.

²⁸ Prosecution Update, ICC-01/12-01/18-782-Conf-Exp, para. 8.

²⁹ See *e.g.* Email from the Prosecution to the Chamber, 25 March 2020, at 15:56.

14. The Chamber also takes note of [REDACTED].³⁰ However, the Chamber recalls the Prosecution's submission that [REDACTED]³¹ [REDACTED],³² as well as the VWU's submission that [REDACTED].³³
15. In light of the above, considering in particular the specific profile [REDACTED] of this witness, as well as the current [REDACTED], the Chamber finds that the risks linked to the disclosure of P-0542's identity to the Defence are such that delaying the disclosure of her identity past the disclosure deadline is the least restrictive measure available to respond effectively to the risks she faces and is therefore necessary.
16. As to the timing for disclosure, in light of the uncertainty as to when [REDACTED] will be able to take place and whether [REDACTED], the Chamber is of the view that even delaying disclosure until shortly before the commencement of trial would not sufficiently mitigate the risks. The Chamber therefore finds the measure proposed by the Prosecution, to delay the disclosure of P-0542's identity until 45 days prior to her testimony, to be strictly necessary. In this regard, it nonetheless insists that the Prosecution should [REDACTED], as soon as possible, so as to ensure disclosure is effected at the earliest opportunity.
17. In so finding, the Chamber recognises that since the Defence will ultimately receive the identity of this witness and investigate, the measure will not completely eliminate the risks. However, the Chamber is of the view that disclosure of P-0542's identity as late as possible during the current proceedings would contribute to reducing the overall risk by minimising her exposure in advance of her testimony.

³⁰ See Annex B to the Prosecution Request, ICC-01/12-01/18-646-Conf-Exp-AnxB, p. 2; Additional information on [REDACTED], ICC-01/12-01/18-769-Conf-Exp-AnxA (confidential *ex parte*, only available to the Prosecution and the VWU) ('[REDACTED]') *annexed* to Corrigendum to the "Prosecution's response to Registry report, provision of updated information and continued application to maintain restrictions on Mr Al Hassan's contacts and access to others whilst in detention and to impose additional measures", 23 April 2020, ICC-01/12-01/18-769-Conf-Exp, 29 April 2020, ICC-01/12-01/18-769-Conf-Exp-Corr.

³¹ Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 62; [REDACTED], ICC-01/12-01/18-769-Conf-Exp-AnxA, paras 7-8.

³² Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 67.

³³ Email from the VWU to the Chamber, 20 March 2020, at 11:28, para. 6.

18. Regarding the potential prejudice to the rights of the accused, the Chamber takes note of the Prosecution's submission that this witness does not directly implicate the accused in the commission of the crimes and that the substance of her statement is already available to the Defence, despite the redactions applied to her identifying information.³⁴ The Chamber is of the view that, given these particular circumstances, the Defence already has some information it can investigate with regard to the potential evidence of this witness, thereby reducing any potential prejudice arising from the delayed disclosure of her identity.
19. Weighing all of the particular circumstances of this witness and any potential prejudice to the ability of the accused to prepare his defence, the Chamber is satisfied that this is an exceptional situation that justifies the delayed disclosure of the identity of P-0542 until 45 days prior to her testimony. In the view of the Chamber, this measure strikes an appropriate balance between the rights of the accused and the need to ensure the safety and privacy of this witness.

B. Individual assessment of P-0570

20. The Chamber recalls that, in rendering its First Decision on delayed disclosure, and deciding that there was an objective risk to P-0570's safety linked to the immediate disclosure of her identity to the Defence,³⁵ it considered (i) her personal circumstances, in particular, the fact that she [REDACTED] and [REDACTED], being [REDACTED]; (ii) her specific profile, in particular factors which fall within the provisions of Article 68(1) of the Statute, such as [REDACTED], the nature of the crimes allegedly committed against her, as well as the risk of stigmatisation that exists [REDACTED] – notably in light of the information before the Chamber indicating that P-0570 [REDACTED]; (iii) the specific concerns she expressed about disclosure of her identity in relation to the proceedings in this case; together with (iv) the general security situation in Mali.³⁶

³⁴ Prosecution Request, ICC-01/12-01/18-646-Conf-Red, paras 30, 72-73.

³⁵ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Exp, para. 35.

³⁶ As set out in the First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Red, paras 28-29.

21. The Chamber also recalls that, [REDACTED].³⁷ The Chamber further recalls that, in light of the recent change [REDACTED].³⁸ In this regard, the Chamber notes the update provided by the Prosecution, notably the fact that, due to [REDACTED].³⁹ As a result, [REDACTED].⁴⁰ The Chamber again observes that, due to the extraordinary situation arising from the COVID-19 pandemic and the resulting restrictions, as well as to P-0570's [REDACTED], it is unclear [REDACTED].⁴¹
22. The Chamber also takes note of [REDACTED].⁴² However, the Chamber notes the Prosecution's submission that [REDACTED]⁴³ [REDACTED],⁴⁴ as well as the VWU's submission that [REDACTED].⁴⁵
23. In light of the above, considering in particular the specific profile [REDACTED] of this witness, notably [REDACTED], as well as the current [REDACTED], the Chamber finds that the risks linked to the disclosure of P-0570's identity to the Defence are such that delaying the disclosure of her identity past the disclosure deadline is the least restrictive measure available to respond effectively to the risks this witness faces.
24. As to the timing for disclosure, in light of the uncertainty as to when [REDACTED] will be able to take place and whether [REDACTED], the Chamber is again satisfied that delayed disclosure until 45 days before P-0570's testimony is a strictly necessary measure which will reduce risk by minimising the exposure of this witness prior to her testimony. It nonetheless reaffirms that

³⁷ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Exp, para. 36 *referring to* Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 44.

³⁸ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Exp, para. 36 *referring to* Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 46.

³⁹ Prosecution Update, ICC-01/12-01/18-782-Conf-Exp, para. 9.

⁴⁰ Prosecution Update, ICC-01/12-01/18-782-Conf-Exp, paras 9-10.

⁴¹ See *e.g.* Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 46; Email from the Prosecution to the Chamber, 25 March 2020, at 15:56; Prosecution Update, ICC-01/12-01/18-782-Conf-Exp, para. 9.

⁴² See Annex D to the Prosecution Request, ICC-01/12-01/18-646-Conf-Exp-AnxD, p. 2; [REDACTED], ICC-01/12-01/18-769-Conf-Exp-AnxA.

⁴³ Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 62; [REDACTED], ICC-01/12-01/18-769-Conf-Exp-AnxA, paras 7-8.

⁴⁴ Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 67.

⁴⁵ Email from the VWU to the Chamber, 20 March 2020, at 11:28, para. 6.

the Prosecution should [REDACTED], as soon as possible, and ensure that disclosure is effected at the earliest opportunity.

25. Regarding the potential prejudice to the rights of the accused, the Chamber takes note of the Prosecution's submission that this witness does not appear to directly implicate the accused in the commission of the crimes and that the substance of her statement is already available to the Defence, despite the redactions applied to her identifying information.⁴⁶ Once more, in these circumstances, the potential prejudice to Defence preparations is reduced as there is already substantive information available to investigate.
26. Weighing the particular circumstances of this witness and the potential prejudice to Defence preparations, the Chamber is satisfied that this is an exceptional situation such that delaying the disclosure of the identity of P-0570 until 45 days prior to her testimony is appropriate and strikes an appropriate balance between the rights of the accused and the need to ensure the safety and privacy of this witness.

C. Individual assessment of P-0603

27. The Chamber recalls that, in rendering its First Decision on delayed disclosure, and deciding that there was an objective risk to P-0603's safety linked to the immediate disclosure of her identity to the Defence,⁴⁷ it notably considered her personal circumstances, in particular, the fact that she [REDACTED] and [REDACTED], being [REDACTED], together with the general security situation in Mali.⁴⁸
28. The Chamber also recalls that, while [REDACTED].⁴⁹ The Chamber further recalls that, in light of the [REDACTED].⁵⁰ In this regard, the Chamber notes the update provided by the Prosecution, notably the fact that the situation of P-

⁴⁶ Prosecution Request, ICC-01/12-01/18-646-Conf-Red, paras 40, 72-73.

⁴⁷ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Exp, para. 38.

⁴⁸ As set out in the First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Red, paras 28-29.

⁴⁹ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Exp, para. 39 *referring to* Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 53; Email from the VWU to the Chamber, 20 March 2020, at 11:28, paras 2-3, 6.

⁵⁰ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Exp, para. 39 *referring to* Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 53.

0603 [REDACTED], [REDACTED].⁵¹ The Chamber again observes that, due to the extraordinary situation arising from the COVID-19 pandemic and the resulting restrictions, it is unclear [REDACTED].⁵²

29. The Chamber also takes note of [REDACTED].⁵³ However, the Chamber recalls the Prosecution's submission that [REDACTED]⁵⁴ [REDACTED],⁵⁵ as well as the VWU's submission that [REDACTED].⁵⁶
30. Next, the Chamber recalls that P-0603 is a crime-base witness who provides some evidence regarding the role of the accused, which has been partly redacted from the version of the statement disclosed to the Defence as it was considered identifying.⁵⁷ The Chamber nonetheless notes the Prosecution's submission that the substance of her statement is available to the Defence, despite the redactions applied to her identifying information.⁵⁸
31. Noting that some information provided by P-0603 which is currently redacted is of potential relevance to Defence preparations, and in view of the exceptional circumstances needed to justify rolling disclosure, the Chamber finds that it would not be proportionate to delay the disclosure of this witness' identity past the commencement of trial. The Chamber is nonetheless of the view that, considering that the Defence already has substantive information available to investigate this witness and her potential evidence, and weighing the potential risks to this individual and in particular the current [REDACTED], delayed disclosure of P-0603's identity past the deadline for full disclosure is the least restrictive measure available which would respond effectively to the risks she faces. In these circumstances, the Chamber therefore considers that balance of the different interests militates in favour of authorising the delayed disclosure of

⁵¹ Prosecution Update, ICC-01/12-01/18-782-Conf-Exp, para. 12.

⁵² See e.g. Email from the Prosecution to the Chamber, 25 March 2020, at 15:56.

⁵³ See Annex F to the Prosecution Request, ICC-01/12-01/18-646-Conf-Exp-AnxF, p. 3; [REDACTED], ICC-01/12-01/18-769-Conf-Exp-AnxA.

⁵⁴ Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 62; [REDACTED], ICC-01/12-01/18-769-Conf-Exp-AnxA, paras 7-8.

⁵⁵ Prosecution Request, ICC-01/12-01/18-646-Conf-Exp, para. 67.

⁵⁶ Email from the VWU to the Chamber, 20 March 2020, at 11:28, para. 6.

⁵⁷ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Red, para. 37 referring to Prosecution Request, ICC-01/12-01/18-646-Conf-Red, para. 50.

⁵⁸ Prosecution Request, ICC-01/12-01/18-646-Conf-Red, para. 72.

P-0603's identity and identifying information until two weeks before the start of trial.

32. The Chamber is satisfied that this measure strikes an appropriate balance between the rights of the accused and the need to ensure the safety of P-0603. The Chamber nonetheless finds that, in order to provide the Defence with sufficient time and opportunities to conduct relevant investigations, the Prosecution should liaise with the Defence in scheduling the testimony of this witness.

D. Conclusion

33. In accordance with the above, the Chamber authorises the Prosecution to temporarily continue withholding from the Defence the identities and identifying information of P-0542 and P-0570, and maintaining the redactions to their associated material and non-disclosure of certain documents, until 45 days before their respective testimony. Further, the Chamber authorises the Prosecution to temporarily continue withholding from the Defence the identity and identifying information of P-0603, and maintaining the redactions to her associated material, until two weeks before the commencement of trial.
34. In reaching this conclusion, the Chamber stresses that it has taken into account the cumulative impact of the measure granted, noting that at the commencement of trial, the Defence will know the identity of 83 out of the 88 Prosecution witnesses.⁵⁹ Further, concerning any mitigating measures that might be available to diminish any prejudicial impact on the Defence, the Chamber refers back to its directives in the First Decision on delayed disclosure concerning the first three witnesses for whom delayed disclosure past the commencement of trial was authorised⁶⁰ and considers that these directives shall equally apply to the scheduling of P-0542 and P-0570's testimonies.

⁵⁹ Prosecution List of Witnesses, ICC-01/12-01/18-740-Conf-AnxA *annexed to* Dépôt de la Liste des témoins de l'Accusation, des résumés desdits témoins et de la Liste provisoire des éléments de preuve à charge, registered on 14 April 2020 and notified on 15 April 2020, ICC-01/12-01/18-740-Conf.

⁶⁰ First Decision on delayed disclosure, ICC-01/12-01/18-741-Conf-Red, para. 58, where the Chamber instructed the Prosecution to attempt to schedule the testimony of these three witnesses as early as

FOR THESE REASONS, THE CHAMBER HEREBY

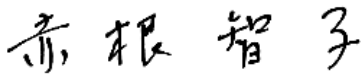
GRANTS the Prosecution request for delayed disclosure of the identity and identifying information of P-0603 until two weeks before the start of trial; and

GRANTS the Prosecution request for delayed disclosure of the identities and identifying information of P-0542 and P-0570 until 45 days before their testimony.

Done in both English and French, the English version being authoritative.



Judge Antoine Kesia-Mbe Mindua
Presiding Judge



Judge Tomoko Akane



Judge Kimberly Prost

Dated this Friday, 8 May 2020

At The Hague, The Netherlands

possible after the start of trial, to the extent possible, and to consult with the Defence on this scheduling.