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No.: **ICC-01/14-01/21**

Date: **5 February 2021**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF
*PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

**Public
with Confidential Annex A**

**Prosecution's Proposal for Protocol on the Handling of Confidential Information
and Contacts with Witnesses**

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

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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
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States Representatives

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REGISTRY

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**Victims Participation and Reparations
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Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) hereby submits its proposal for the adoption of the Protocol on the Handling of Confidential Information and Contacts with Witnesses.

II. CONFIDENTIALITY

2. Annex A to this submission is filed as Confidential since it relates to the handling of evidence and the management of contacts of witness of the opposing parties. The Prosecution has no objection to its reclassification as Public once the Chamber adopts a Protocol on the said matter.

III. SUBMISSIONS

3. On 23 March 2019, Judge Aitala acting as Single Judge adopted a similar Protocol in the case of Yekatom and Ngaïssona which was based on the Chamber’s practice manual and updated by the latest practices in the Al Hassan case.¹ On 17 August 2020, the Single Judge adopted the Protocol as foreseen by the Chambers Practice Manual in the Abd-Al-Rhaman case.²
4. In Confidential Annex A, the Prosecution proposes three focused amendments with a view to clarify the role of the parties and participants. These proposals are in track changes in order to simplify their reading.

¹ ICC-01/14-01/18-156-AnxA.

² ICC-02/05-01/20-116, para. 14 and ICC-02/05-01/20-116-Anx2.

IV. RELIEF SOUGHT

5. The Prosecution requests that the Single Judge adopt the proposed Protocol submitted in Confidential Annex A.



Fatou Bensouda, Prosecutor

Dated this 5th day of February 2021

At The Hague, The Netherlands