

**Cour
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**International
Criminal
Court**

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18 April 2021

TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mbe Mindua, Presiding
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

With confidential Annexes A and B

Public redacted version of "Prosecution application to add three items related to Witness MLI-OTP-P-0643 to its List of Evidence under regulation 35, to call Witness MLI-OTP-P-0643 as an expert witness and to introduce MLI-OTP-P-0643's prior recorded testimony under Rule 68(3) and/or article 69 (2) and (4), and under regulation 35", 9 March 2021, ICC-01/12-01/18-1350-Conf

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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Introduction

1. The Prosecution seeks Trial Chamber X's ("Chamber") authorisation to:
 - add to its List of Evidence, pursuant to regulation 35 of the Regulations of the Court ("Regulations"), three items¹ related to Witness P-0643 ("P-0643") ("Requested Material") namely the letter of instruction sent to P-0643², P-0643's updated report ("Report")³ and P-0643's updated curriculum vitae ("CV");⁴
 - qualify P-0643 as an expert witness on the topics in his Report and, additionally or alternatively, as a fact witness on certain relevant topics on which he has specific knowledge; and
 - submit, pursuant to regulation 35 of the Regulations, P-0643's expert report, along with the associated material under rule 68(3) and/or article 69(2) and (4).
2. The Prosecution had previously announced that it may file a regulation 35 request to have additional material related to P-0643 added to its List of Evidence ("LoE").
3. The Prosecution recalls that under regulation 35(2) of the Regulations, a Chamber may extend a time limit "if good cause is shown". Even where conditions of regulation 35(2) of the Regulations are not met, the Chamber may authorise the late addition of incriminating evidence where it is in the "interests of justice" and the determination of the truth.⁵ It is in the interests of justice, and determination of the truth, that these items be added to the LoE and that P-0643's materials be submitted

¹ See Annex A.

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⁵ See ICC-01/04-01/10-505, para.11; ICC-01/04-01/07-2325, para.15.

via rule 68(3) and/or article 69(2) and (4). Moreover, as described below, there is no prejudice to Defence.

Confidentiality

4. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, the Prosecution files this submission and its accompanying annexes as confidential because they contain confidential information. The Prosecution shall file a public redacted version in due course.

Background

5. Witness P-0643 is an expert in public law and the legal framework and national laws of Mali.

[REDACTED]

[REDACTED]⁶

6. The Prosecution recalls that, after an initial meeting with P-0643, it proposed obtaining a witness statement from him on several topics. A meeting planned in [REDACTED] was cancelled due to the COVID-19 pandemic.⁷

7. On [REDACTED] P-0643 provided the Prosecution with a draft and untitled document described as an "*Aide Mémoire*", which he had prepared in anticipation of the face-to-face interview.⁸

8. Due to the travel restrictions caused by the COVID-19 pandemic making any travelling heavily restricted, and in light of the disclosure deadlines set in the *Al*

⁶ Investigation note, [REDACTED]; Investigation note, [REDACTED]; *Aide Mémoire* written by P-0643, [REDACTED]; Document written by P-0643, [REDACTED]; Document provided by P-0643, [REDACTED].

⁷ See [REDACTED].
[REDACTED] Iso see ICC-01/12-01/18-740-Conf-AnxB, p. 1137, footnote 1.

Hassan case,⁹ it was proposed to P-0643 that he update his *Aide-Mémoire* where possible, at his discretion, for the purposes of disclosure in the *Al Hassan* case. He agreed to this proposal and provided the OTP with the updated version of the *Aide-Mémoire* on [REDACTED]¹⁰ The *Aide-Mémoire* contains his findings and developments on the topics he was advised to consider as well as a list of relevant references.¹¹

9. On 1 June 2020, the Prosecution requested the Chamber to qualify P-0643 as an expert witness on all of the topics listed in the *Aide-Mémoire*, or decide that for certain topics he testify as a fact witness in addition to being an expert.¹²

10. Witness P-0643 had indicated that he would not be willing to testify in the capacity solely as a fact witness bearing in mind his professional background, experience and expertise, but as an expert witness.¹³ Accordingly, the Prosecution awaited the outcome of its request to the Chamber for him to be qualified as an expert before it proceeded further.

11. On 5 August 2020, the Chamber deferred its decision regarding the qualification of P-0641 as an expert until the Prosecution had obtained a witness statement - if it decided to obtain one - or had decided on the topics to be covered by P-0643.¹⁴

12. After completion of the heavy workload at the start of the trial and once it had secured funding (to cover P-0643's expert honorarium fees and daily expenses), the Prosecution provided a letter of instruction to P-0643 in [REDACTED] requesting an expert report ("Letter of Instruction")¹⁵ on the following topics that would fall

⁹ The Prosecution would have been able to meet with P-0643 before the final disclosure deadline in 2020, if not for the COVID-19 pandemic.

¹⁰ [REDACTED]

¹¹ See also [REDACTED]. [REDACTED] contacted P-0643 about his "*Aide-Mémoire*", which he drafted in preparation for his eventual face-to-face interview.

¹² ICC-01/12-01/18-842-Conf, para. 49.

¹³ [REDACTED]

¹⁴ ICC-01/12-01/18-989-Conf, para. 42.

¹⁵ [REDACTED]

under the areas of P-0643's expertise as noted by the Chamber on a preliminary basis:¹⁶

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

13. On [REDACTED]¹⁷ the Prosecution received P-0643's signed and updated Report.¹⁸

14. This Report and P-0643's anticipated testimony cover, *inter alia*: the national laws of Mali; [REDACTED]

¹⁶ See ICC-01/12-01/18-989-Conf, para.42: "The Chamber notes that P-0643 has extensive academic and professional expertise in the area of law, [REDACTED]"

¹⁷ Also see [REDACTED]

¹⁸ [REDACTED]

[REDACTED]

15. These topics are relevant to issues at trial, including the common purpose or plan of the Groups, as well as the crime of persecution charged under count 13, the crime of passing of sentences without due process under count 6, attacks on protected objects (count 7), and the sexual crimes under counts 8-12.¹⁹

16. The Prosecution at this point no longer intends to meet with P-0643 in order to obtain an additional witness statement from witness P-0643, due to the on-going pandemic, the date when the report was received [REDACTED] the current stage of the proceedings, and because of the range of topics on which the Chamber indicated (at least on a preliminary basis) it considered P-0643 would be in a position to testify about as an expert witness.

17. In particular, the information that the Prosecution originally considered obtaining through a witness statement, included *inter alia*, [REDACTED]

[REDACTED] This information falls within the initial areas of expertise of P-0643 indicated by the Chamber, namely [REDACTED]

[REDACTED] Moreover, these topics were touched upon briefly in the Report and can be elaborated upon in testimony during proposed supplementary questioning.²⁰

¹⁹ Also see ICC-01/12-01/18-842-Conf-Exp, para. 40.

²⁰ See paragraph 40 below. For instance, see [REDACTED]

18. Thus, the Prosecution intends to only rely on the signed Report collected from P-0643 on [REDACTED] and Witness P-0643's anticipated testimony based on that Report and from his experience on topics falling within his areas of expertise.

Prosecution's Submissions

A. Addition of three items to the List of Evidence pursuant to regulation 35

19. The Prosecution recalls that a Chamber may extend a time limit under regulation 35(2) of the Regulations "if good cause is shown",²¹ or where it is in the "interests of justice"²² to do so. Moreover, where conditions of regulation 35(2) are not met, the Chamber may authorise the late addition of incriminating evidence pursuant to its powers under articles 64(6)(d) and 69(3) of the Statute to allow admission of the evidence that it deems necessary for the determination of the truth.²³

20. In this instance, it is in the interests of justice and determination of the truth that the Chamber allow the addition to the Prosecution List of Evidence of P-0643's Report, its corresponding Letter of Instruction and P-0643's re-updated CV. As detailed below, there is no undue prejudice to the Defence.

Report and Letter of Instruction

[REDACTED]

ICC-01/04-01/06-834, para.7.

²² See ICC-01/04-01/10-505, para.11.

²³ ICC-01/04-01/07-2325, para.15. In *Prosecutor v Katanga*, where the Prosecution requested disclosure much later in the proceedings, Trial Chamber II still found that there was a basis to allow for the admission of the evidence.

21. First, the Prosecution gave notice as early as 14 April 2020 and again on 1 June 2020 that a request pursuant to regulation 35 of the Regulations would be filed after collection of P-0643's Report.²⁴

22. Second, as regards the Report, it is relevant, will assist the Chamber in assessing certain issues at trial and in determining the truth, and much of the information contained therein was previously disclosed on [REDACTED] in the *Aide-Mémoire* that covered many of the topics ultimately addressed in P-0643's final Report, as well as in previously disclosed investigation notes of discussions with P-0643.²⁵

23. In particular:

- The [REDACTED] "*Aide-Mémoire*" disclosed on [REDACTED] already covered four topics found in the final Report, [REDACTED]

[REDACTED]

- As compared to the *Aide-Mémoire*, only the following was added to the [REDACTED] Report, consistent with the Letter of Instruction, namely:

○ [REDACTED]

○ [REDACTED]

²⁴ ICC-01/12-01/18-740-Conf-AnxB, p. 1137, fn.1; ICC-01/12-01/18-842-Conf, par. 47 and fn. 114.

²⁵ [REDACTED]

○ [REDACTED]

○ [REDACTED]

24. Third, since the Report is only an elaborated version of the *Aide-Mémoire* previously disclosed and contains focused new information, there is no undue prejudice to the Defence in addition of this item.

25. The Prosecution also requests authorisation to add to its LoE the Letter of Instruction corresponding to the Report that was disclosed within the same disclosure package together with the Report and the updated CV.²⁶

26. The addition of the Letter of Instruction to the LoE is also in the interests of justice²⁷ and would be of assistance to the Chamber's determination of the truth²⁸ as it would assist in understanding P-0643's anticipated testimony. In particular, the Letter of Instruction contains the instructions given to P-0643 in order for him to prepare his Report and complements, and effectively forms part of the Report. There is no undue prejudice to the Defence as the Letter of Instruction merely contains the instructions on which P-0643 based himself to draft the Report.

Updated Curriculum Vitae

27. After an initial meeting with the OTP investigators [REDACTED]²⁹ P-0643 provided the Prosecution with a first CV.³⁰

28. [REDACTED] P-0643 was informed that the Prosecution intended to request the Chamber to qualify him as an expert witness, given his credentials, [REDACTED]
[REDACTED] and the topics

²⁶ [REDACTED]

²⁷ See ICC-01/04-01/10-505, para.11.

²⁸ See ICC-01/04-01/07-2325, para.15.

²⁹ See [REDACTED]

³⁰ [REDACTED]

he addressed in his *Aide-Mémoire*. P-0643 was requested to provide an updated CV for that purpose.³¹ On [REDACTED] the Prosecution received an updated version of P-0643's CV,³² which the Chamber authorised to be added to the list of evidence.³³

29. On [REDACTED] P-0643 sent once more an updated version of his CV.³⁴

30. The Prosecution considers that there is good cause for delayed addition of this updated CV to the LoE, as it is the most recent and most complete version as provided by P-0643 together with his Report. Its addition would be in the interests of justice, and of assistance to the Chamber's determination of the truth, as it would assist in understanding the basis for his expertise and his anticipated testimony. There is no undue prejudice to the Defence as P-0643's previous versions of CVs are already on the Prosecution's LoE and given the limited additions to the most recent version of P-0643's CV.

31. For all of these reasons, the Prosecution requests the addition of P-0643's Report, Letter of Instruction, and updated CV to the LOE.

B. Calling P-0643 as an expert witness

32. As the Chamber indicated in its preliminary decision, P-0643 has extensive academic and professional expertise in the area of law, [REDACTED]

[REDACTED]³⁵ The Prosecution incorporates its submissions regarding P-0643's expertise as contained in the Prosecution application related to proposed experts.³⁶

³¹ [REDACTED]

³² [REDACTED]

³³ ICC-01/12-01/18-988-Conf, paras. 12-16.

³⁴ [REDACTED]

³⁵ ICC-01/12-01/18-989-Conf, para. 42.

³⁶ ICC-01/12-01/18-842-Conf, para. 40-46.

33. P-0643 is in a unique situation, in contrast to other experts, [REDACTED]

[REDACTED] He is qualified to testify as an expert on the topics within his expertise. During proposed supplementary questioning, he can provide [REDACTED]

[REDACTED] relevant to his areas of his expertise.

34. As mentioned above, the Prosecution recalls that, after an initial meeting with P-0643, it proposed obtaining a witness statement from him on several topics. A meeting planned in [REDACTED] was cancelled due the COVID-19 pandemic.³⁷

35. On 1 June 2020, the Prosecution requested the Chamber to decide to qualify P-0643 as an expert witness on all his topics, or decide that for certain topics he testify as a fact witness in addition to being an expert.³⁸ On 5 August 2020, the Chamber deferred its decision in relation to P-0643 until the Prosecution had obtained a witness statement - if it decided to obtain one - or had decided on the topics to be covered by P-0643.³⁹

36. For the reasons expressed above, the Prosecution at this point no longer intends to meet with P-0643 in order to obtain a statement and requests the Chamber to qualify P-0643 as an expert witness on all of the topics in his Report.

37. Additionally or alternatively, the Prosecution requests the Chamber to decide that for certain topics he testify as a fact witness on matters within his personal knowledge or experience, even where these areas are appropriately viewed as being areas within his expertise.⁴⁰

³⁷ See [REDACTED]

Also see ICC-01/12-01/18-740-Conf-AnxB, p. 1137, footnote 1.

³⁸ ICC-01/12-01/18-842-Conf, para. 49.

³⁹ ICC-01/12-01/18-989-Conf, para. 42.

⁴⁰ See e.g. "Expert evidence from witnesses of fact", *New Law Journal*, 16 October 2008, <https://www.newlawjournal.co.uk/content/expert-evidence-witnesses-fact> (last accessed on 1 June 2020).

C. Introducing P-0643's Report and associated material under rule 68(3) and/or articles 69 and 64 of the Statute, and pursuant to regulation 35

Request to authorise rule 68(3) application under regulation 35

38. The Prosecution proposes that P-0643 testify in [REDACTED]. The Chamber had instructed the Prosecution to submit by 30 November 2020 any rule 68(3) applications relating to those witnesses expected to be called after the end of the year 2020.⁴¹ As P-0643 sent his signed Report on [REDACTED] the Prosecution could not submit the rule 68(3) application for P-0643 by 30 November 2020.

39. Based on the Report,⁴² the Prosecution identified Witness P-0643 as an appropriate witness for the procedure. It would be in the interests of justice and the determination of the truth that the Chamber authorise this rule 68(3) application under regulation 35. All of the topics as set out in the Report of P-0643 are highly relevant and of use in understanding the context of [REDACTED]

[REDACTED] This goes to the common purpose or plan of the Groups, as well as the crime of persecution charged under count 13, the crime of passing of sentences without due process under count 6, attacks on protected objects (count 7), and sexual crimes under counts 8-12.

Prosecution's Submissions on introducing P-0643's report and associated material under rule 68(3)

40. Pursuant to articles 64(9), 69(2)-(4) of the Statute and/or rules 63(2) and 68(3) of the Rules of Procedure and Evidence ("Rules"), the Prosecution requests the

⁴¹ ICC-01/12-01/18-1004, para. 21.

⁴² [REDACTED].

Chamber's authorisation to: (i) introduce into evidence P-0643's Report and associated material as specified in sections I and II of Annex B to the present application; and (ii) conduct a streamlined supplementary examination of Witness P-0643 ("Rule 68(3) Request").

41. More precisely, the Prosecution seeks to introduce into evidence P-0643's Report, the corresponding Letter of Instruction, P-0643's *Aide-Mémoire*, P-0643's CVs and documents containing further details about his experience and credentials, such as a [REDACTED]

[REDACTED] pursuant to rule 68(3) of the Rules. These documents are relevant, probative and reliable.

42. Should this Rule 68(3) Request be granted, P-0643 will be asked to attest to the accuracy of his Report and associated material during his testimony and confirm that he does not object to their submission into evidence.

43. Based on past practice, the Prosecution estimates that it will require in total about two hours for the examination-in-chief of P-0643: namely, approximately 30 minutes for the formalities associated with the introduction into evidence of his Report and associated material, and an additional 1 hour and 30 minutes to conduct a supplementary examination to elicit further focussed, limited *viva voce* evidence of certain issues, as detailed at paragraphs 54-56 below.

44. Should the Chamber reject this Request in whole or in part, the Prosecution may require up to five hours for this witness's examination-in-chief. Granting this Request would not be prejudicial to the rights of the Accused and would enhance the expeditiousness of the proceedings by reducing the length of P-0643's examination-

in-chief by 3 hours, which amounts to more than 50% of the duration initially estimated.⁴³

Description of annexes

45. In its Decision on the conduct of proceedings, the Chamber ordered the Prosecution to file motivated rule 68(3) applications together with copies of the previously recorded testimony, identifying the precise passages it wishes to tender into evidence, and other materials referred to in these passages, without which the passages would not be understandable.⁴⁴

46. Sections I and II of Annex B appended to this application list the materials that the Prosecution seeks to introduce into evidence for P-0643, and section III lists other items necessary for the understanding of P-0643's Report, which the Prosecution does not seek to introduce into evidence under rule 68(3).

47. More precisely, section I of Annex B contains P-0643's Report and his original *Aide-Mémoire*.⁴⁵ Section II of Annex B lists the Letter of Instruction, the different versions of P-0643's CVs, documents containing further details about his experience and credentials, which P-0643 provided to the Prosecution on [REDACTED]⁴⁶ such as [REDACTED]

⁴⁷ Section III of Annex B contains [REDACTED]

⁴³ The Prosecution initially estimated four and a half hours for P-0643's examination-in-chief. See ICC-01/12-01/18-740-Conf-AnxB, p. 1137. However, based on the report, the Prosecution would actually need 5 hours.

⁴⁴ ICC-01/12-01/18-789-AnxA, para. 63. Each item of evidence which the Prosecution seeks to introduce into evidence through the present application may be accessed by clicking on the ERN listed in Annex B, which is hyperlinked to the item of evidence in eCourt, as authorised by the Chamber in its email of 28 May 2020 13:38.

⁴⁵ Report: [REDACTED] and *Aide-mémoire*: [REDACTED]

⁴⁶ [REDACTED]

⁴⁷ Letter of instruction: [REDACTED] P-0643's CVs: [REDACTED]

five investigation notes related to P-0643 and the untitled draft *aide-mémoire* and list of references collected by the OTP or [REDACTED]⁴⁸

48. As decided by Trial Chamber VI in *Ntaganda*, “exhibits associated with a previously recorded testimony are admissible if the witness uses or explains them in the prior recorded testimony, and particularly when these are necessary to read and understand the prior recorded testimony being introduced.”⁴⁹

The material listed in sections I and II of Annex B is relevant

49. The material listed in sections I and II of Annex B is relevant. As described previously, it relates to, *inter alia*: the national laws of Mali; [REDACTED]

50. P-0643’s Report and associated material may assist the Chamber in its determination of the truth in this case: P-0643’s evidence is relevant to issues at trial, including the common purpose or plan of the Groups, as well as the crime of persecution charged under count 13, the crime of passing of sentences without due process under count 6, attacks on protected objects (count 7), and sexual crimes under counts 8-12.⁵⁰

The material listed in sections I and II of Annex B is probative and reliable

⁴⁸ Section III: investigation notes: [REDACTED] and [REDACTED], untitled draft *aide-mémoire* and list of references collected by the OTP on [REDACTED] and [REDACTED].

⁴⁹ ICC-01/04-02/06-T-105-Red-ENG ET, p.93, l.24 - p.94, l.7. See also ICC-01/04-02/06-1205, para.7; ICC-01/04-02/06-1029, para.23, 35; ICC-01/09-01/11-1938-Corr-Red2, para.33.

⁵⁰ See para. 39 above.

51. The material that the Prosecution seeks to introduce pursuant to rule 68(3) is probative and reliable. Witness P-0643 provided his Report, *Aide-Mémoire*, CVs and documents related to his credentials and experience voluntarily. The Report was dated and signed by P-0643. P-0643 provided the sources he relied on in the bibliography at the end of his Report.⁵¹

The introduction of Witness P-0643's material under rule 68(3) is not prejudicial to or inconsistent with the rights of the Accused

52. When he appears before the Chamber, P-0643 will be asked to confirm the accuracy of his Report and whether he consents to the submission of his Report and associated material, in accordance with rule 68(3) of the Rules.

53. The Parties, the Legal Representatives of the Victims if applicable, and the Chamber will have the opportunity to examine this witness during the proceedings. Therefore, the introduction of Witness P-0643's material under rule 68(3) is not prejudicial to or inconsistent with the rights of the Accused.

Supplementary examination

54. Should Witness P-0643's report and associated material be introduced into evidence, the Prosecution requests leave to conduct a streamlined supplementary examination in accordance with rule 68(3) of the Rules in line with the Decision on the conduct of proceedings⁵² and the prior jurisprudence of this Court.⁵³

55. The Prosecution would first elicit further focussed, limited *viva voce* evidence of certain issues, including clarifications on the basis of his knowledge of topics covered in his Report and other aspects arising out of those, and supplementary questioning including clarifications on the basis of his knowledge (as an expert [REDACTED] [REDACTED] of topics covered in his Report and

⁵¹ [REDACTED]

⁵² ICC-01/12-01/18-789-AnxA, para.65.

⁵³ ICC-01/04-01/06-T-205-Red3, p.19, l.11 *et seq*; ICC-01/04-01/07-2233-Corr, para.16-17; ICC-01/04-01/06-1603, para.25; ICC-01/04-02/06-T-110-Red2-ENG, p.34, l.8-13; ICC-02/11-01/15-498-AnxA, para.40.

other aspects arising out of those, such as clarifications of information regarding: (a)

⁵⁴ (b)

[REDACTED]

[REDACTED] (b)

[REDACTED]

[REDACTED] ⁵⁵ [REDACTED] ⁵⁶ (c) [REDACTED]

[REDACTED]

[REDACTED] ⁵⁸ (d) [REDACTED]

[REDACTED] ⁵⁹ and, (e)

[REDACTED] ⁶⁰

56. The Prosecution would ensure that the witness is not merely asked to repeat the information, which he already provided in his Report. This supplementary examination is necessary for the fair evaluation of the witness, the determination of the truth and to elicit further specific evidence.

Proposed procedure for the introduction of prior recorded testimony

57. Should this rule 68(3) Request be granted, the Prosecution submits that there will be no need to read into evidence Witness P-0643's Report as he will be asked to confirm its accuracy and to provide any corrections or amendments.

⁵⁴ See [REDACTED]

⁵⁵ See [REDACTED]

⁵⁶ See [REDACTED]

See [REDACTED]

⁵⁸ See [REDACTED]

⁵⁹ See [REDACTED]

⁶⁰ See [REDACTED]

58. During witness preparation, the Prosecution will ask Witness P-0643, *inter alia*, to review his Report, advise of any corrections or clarifications he wishes to make to it, and then to confirm its accuracy.⁶¹ In accordance with the Witness Preparation Protocol this session will be video-recorded and the Prosecution will disclose a log of the session clearly indicating any changes or corrections which the witness makes.⁶²

59. When Witness P-0643 appears in court, the Prosecution will seek to elicit any clarifications noted by the witness during witness preparation.⁶³ The Prosecution will then ask the witness whether he has any further changes or clarifications to make to his report and to confirm his consent to be questioned by the Parties and the Chamber.

60. After tendering his Report and associated material into evidence, with any changes or clarifications noted on the record, the Prosecution will conduct the succinct supplementary examination of Witness P-0643 as outlined above (see paragraph 43 and 54-56 *supra*).

Conclusion

61. For the foregoing reasons, the Prosecution requests that the Chamber grant its Request:

- 1) to add P-0643's report, most recent CV and letter of instructions to the Prosecution's list of evidence;
- 2) to call P-0643 as an expert witness, and additionally, or in the alternative, for certain topics to be addressed as a fact witness in addition to being an expert;
- 3) to introduce, under regulation 35, P-0643's Report and associated material as evidence pursuant to rule 68(3).

⁶¹ ICC-01/12-01/18-666-Anx, para.18-19.

⁶² ICC-01/12-01/18-666-Anx, para.12-15.

⁶³ ICC-01/12-01/18-666-Anx, para. 50.



Fatou Bensouda, Prosecutor

Dated this 9 March 2021

At The Hague, The Netherlands