

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **1 September 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***

**Confidential
with Confidential Annex A**

Prosecution's Fifth Report on Disclosure and Related Matters

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

Mr Karim A.A. Khan QC

Mr James Stewart

Mr Eric MacDonald

Counsel for Defence

Ms Jennifer Naouri

Mr Dov Jacobs

Legal Representatives of Victims**Legal Representatives of Applicants****Unrepresented Victims****Unrepresented Applicants for
Participation/Reparations****The Office of Public Counsel
for Victims**

Ms Sarah Pellet

Ms Caroline Walter

**The Office of Public Counsel
for the Defence****States Representatives****Amicus Curiae****REGISTRY**

Registrar

Mr Peter Lewis

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation
and Reparations Section****Other**

I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") hereby submits its Fifth Report on Disclosure and Related Matters ("Fifth Disclosure Report") as requested in the Order on Disclosure and Related Matters ("Order").¹ Additionally, the Prosecution submits in confidential Annex A an updated List of Disclosure Packages.

II. CONFIDENTIALITY

2. The Fifth Disclosure Report and Annex A are classified confidential in accordance with regulation 23*bis*(2) of the Regulations of the Court ("Regulations") because as they relate to the Order. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

3. Since the start of the reporting period, the Prosecution has disclosed 44 Pre-Confirmation INCRIM packages, 19 Pre-Confirmation Rule 77 packages, one Pre-Confirmation PEXO package and seven Pre-Confirmation Metadata Update packages and one Pre-Confirmation Image Update package. These packages included a total of 12,170 items (58,941 pages).

4. The Prosecution recalls that the types of evidence and other items disclosed are listed in the Annexes provided with each disclosure notification. In confidential Annex A, an overview is provided, which lists the August disclosure packages, disclosure dates, number of items disclosed and describes the content of the disclosure packages.

¹ ICC-01/14-01/21-50-Conf, para. 30.

5. The Prosecution has completed its Pre-Confirmation disclosure by 30 August 2021. The Prosecution's disclosure obligation is an ongoing process and any relevant further evidence collected will be disclosed promptly to the Defence.

6. On 23 August 2021, the Prosecution has also submitted an updated and detailed table of disclosed witnesses.² The Prosecution has also provided its List of Evidence, which includes all witnesses it intends to rely on for the purposes of the confirmation hearing.³ In addition, the Chamber, the Defence and the Legal Representative have received the Pre-Confirmation Brief setting out in detail their relevance to the case.⁴

IV. CONCLUSION

7. The Prosecution has completed its Pre-Confirmation disclosure.



Karim A. A. Khan QC, Prosecutor

Dated this 1st day of September 2021

At The Hague, The Netherlands

² ICC-01/14-01/21-149-Conf-AnxA.

³ ICC-01/04-01/21-144-Conf-AnxB-Corr.

⁴ ICC-01/04-01/21-155-Conf.