



Original: **English**

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

Date: **9 November 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 Annexes A, B and C

Prosecution's Communication of the Disclosure of Evidence on 8 November 2021

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 for
Participation/Reparations**

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States Representatives

Amicus Curiae

REGISTRY

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation
and Reparations Section**

Other

I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) submits this communication regarding the disclosure of evidence.

II. CONFIDENTIALITY

2. The Annexes, appended to this filing, are classified as “Confidential” as they relate to evidence disclosed *inter partes* that should not be released to the public.

III. SUBMISSIONS

3. On 8 November 2021, the Prosecution disclosed to the Defence of Mahamat Said Abdel Kani “Pre-Confirmation INCRIM Package 046” containing 24 items, “Pre-Confirmation RULE 77 Package 021” containing 26 items and “Pre-Confirmation Metadata Update package 008” containing 8 items (“Source Identity” and “Chain of Custody” update).

4. Pre-Confirmation INCRIM Package 046 consists of witness materials relevant to OCRB, CEDAD and Chapeau elements of articles 7 and 8 of the Rome Statute and which were recently collected as part of the ongoing investigation activities of the Prosecution. The Prosecution reserves the right to rely on them in a future trial should the charges be confirmed.

5. Pre-Confirmation RULE 77 Package 021 contains the recently received translations of witness statements that were previously disclosed pursuant to Rule 77,¹ and documents related to witnesses P-3073, P-3079 and P-2815 classified under the same category.

¹ P-3020 and P-1969.

6. Pre-Confirmation Metadata Update package 008 contains materials that are re-disclosed with updates to the metadata fields “Source Identity” and “Chain of Custody” of witness P-1524 correcting the spelling of his name.

7. The lists of disclosed evidence are attached as Annexes A, B, and C to this communication.

A handwritten signature in blue ink, consisting of a stylized 'K' followed by a horizontal line and a dot.

Karim A. A. Khan QC, Prosecutor

Dated this 9th day of November 2021

At The Hague, The Netherlands