

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: ICC-01/12-01/18  
Date: 11 October 2022

**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**

**Prosecution preliminary notice regarding potential rebuttal evidence**

**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 KC  
 Mr Mame Mandiaye Niang  
 Mr Gilles Dutertre

**Counsel for the Defence**

Ms Melinda Taylor  
 Ms Felicity Gerry KC

**Legal Representatives of the Victims**

Mr Seydou Doumbia  
 Mr Mayombo Kassongo  
 Mr Fidel Luvengika Nsita

**Legal Representatives of the Applicants****Unrepresented Victims****Unrepresented Applicants  
(Participation/Reparation)****The Office of Public Counsel for  
Victims****The Office of Public Counsel for the  
Defence****States' Representatives****Amicus Curiae****REGISTRY**

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**Registrar**

Mr Peter Lewis

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

## Submission

1. Pursuant to the *Sixth decision on matters related to the conduct of proceedings: end of Defence case, potential rebuttal/rejoinder evidence, and closure of evidence* (“Decision”), instructing the Prosecution to submit a preliminary request on potential rebuttal evidence,<sup>1</sup> the Prosecution hereby informs Trial Chamber X (“Chamber”) that at this stage, it does not intend to seek the Chamber’s leave to present rebuttal evidence.
2. The Prosecution nevertheless notes that the Defence case is still ongoing and that there are still several Defence witnesses whose evidence is yet to be presented *viva voce* or introduced pursuant to rule 68(2) of the Rules of Procedure and Evidence. The Defence is also expected to submit bar table motions by 24 October 2022.<sup>2</sup> Depending on further evidence presented during the remainder of the Defence case, the Prosecution may consider it necessary to request leave to present rebuttal evidence.
3. The Prosecution therefore reserves the right to submit such a request one week after the Defence notification of the conclusion of its evidence presentation, as envisaged in the Decision.<sup>3</sup>



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Karim A. A. Khan KC, Prosecutor

Dated this 11<sup>th</sup> day of October 2022

At The Hague, The Netherlands

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<sup>1</sup> ICC-01/12-01/18-2308, para. 7.

<sup>2</sup> ICC-01/12-01/18-2308, para. 5.

<sup>3</sup> ICC-01/12-01/18-2308, paras. 6, 7.