

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : **English**

N° **ICC-01/12-01/15**

Date: **15 July 2016**

Date of submission: **16 December 2016**

TRIAL CHAMBER VIII

Before: Judge Raul C. Pangalangan, Single Judge

SITUATION IN THE REPUBLIC OF MALI

IN THE CASE OF

THE PROSECUTOR v. AHMAD AL FAQI AL MAHDI

Public

**Public redacted version of “the Addendum to ‘Prosecution’s motion for authorisation to disclose a summary of the witness statement of MLI-OTP-P-0523 and screening note of witness MLI-OTP-P-0140, upon whose evidence the Prosecution will not rely at trial’
15 July 2016, ICC-01/12-01/15-129-Conf-Red”**

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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Other

Introduction

1. On 1 July 2016, the Office of the Prosecutor (“Prosecution”) requested authorisation to disclose *inter alia* an anonymous summary of the screening note of Witness MLI-OTP-P-0140 (“P-0140”) upon whose evidence the Prosecution will not rely at trial.¹
2. In support of its Request, the Prosecution attached as Annex D,² a document detailing information pertaining to the security situation of P-0140. [REDACTED].
3. [REDACTED].
4. By means of the present motion, the Prosecution wishes to bring the abovementioned clarification to the attention of the Trial Chamber in the interests of justice. In the Prosecution’s view, this supplementary information does not diminish the need for the protective measures sought for P-0140. The specific security information pertaining to P-0140 and the security situation in North Mali still warrant that a summary be disclosed in lieu of his screening note.

Confidentiality

5. Pursuant to regulation 23*bis* (2) of the Regulations of the Court, this motion is filed *ex parte*, only available to the Prosecution and the Victims and Witnesses Section. The motion discusses security concerns specific to P-0140 and

¹ ICC-01/12-01/15-116-Conf-Exp.

² ICC-01/12-01/15-116-Conf-Exp-AnxD.

reproduces an extract of the Confidential and *ex parte* Annex D of the Request of 1 July 2016.³ A confidential redacted version will be filed.

Submissions

6. In support of its Request of 1 July 2016,⁴ the Prosecution attached as Annex D a document detailing the security situation relating to P-0140. The relevant part of the Annex read as follows:

“[REDACTED].”

7. [REDACTED].

8. [REDACTED].

9. The above clarification does not change the tone of Annex D, [REDACTED]. This does not diminish the need for the protective measures sought for him. In essence, the additional information does not alter the fact that:

- i. [REDACTED];
- ii. [REDACTED];
- iii. [REDACTED];⁵ and

- iv. [REDACTED]⁶ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]⁷

³ ICC-01/12-01/15-116-Conf-Exp-AnxD.

⁴ ICC-01/12-01/15-116-Conf-Exp.

⁵ ICC-01/12-01/15-116-Conf-Exp, para. 28.

⁶ ICC-01/12-01/15-116-Conf-Exp, paras. 23 – 26.

⁷ [REDACTED].

10. Moreover, the Prosecution reiterates that the evidence of P-0140 will not be relied upon at trial. A summary of his screening note therefore strikes a right balance between the disclosure obligations of the Prosecution and the need to protect the security of P-0140.

Relief Requested

11. For the aforementioned reasons, the Prosecution:

- a. invites the Trial Chamber to consider the additional information provided by P-0140; and
- b. prays as per its filing of 1 July 2016.⁸



Fatou Bensouda, Prosecutor

Dated this 15th day of July 2016
At The Hague, The Netherlands

⁸ ICC-01/12-01/15-116-Conf-Exp.