

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: **ICC-01/12-01/18**

Date: **1 June 2020**

Date of submission:
7 July 2020

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

**Public redacted version of the “Prosecution application related to
proposed experts”, 1 July 2020, ICC-01/12-01/18-842-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. As foreseen in the Directions on the conduct of proceedings,¹ the Prosecution requests Trial Chamber X's ("Chamber") authorisation to qualify Witnesses MLI-OTP-P-0205, MLI-OTP-P-0206, MLI-OTP-P-0431, MLI-OTP-P-0555, MLI-OTP-P-0587, MLI-OTP-P-0590, MLI-OTP-P-0598, MLI-OTP-P-0617, MLI-OTP-P-0643 and MLI-OTP-P-0662 as experts ("Proposed Experts").²
2. The Proposed Experts possess sufficient qualifications and expertise in relation to the subject matter of their reports and/or proposed testimony. Their reports and/or anticipated testimony fall within the scope of their respective expertise and are relevant and will assist the Chamber in its determination of the issues in this case.
3. The Prosecution also seeks the Chamber's authorisation pursuant to regulation 35 of the Regulations of the Court ("RoC") to file an application to call MLI-OTP-P-0660 and MLI-OTP-P-0661 as experts after their mission and upon receipt of their expert reports. At this stage, the Prosecution is not in a position to provide the Chamber with all the requisite and complete information regarding the evidence these witnesses are expected to provide.³
4. Additionally, the Prosecution also requests pursuant to regulation 35 of the RoC the Chamber's authorisation to add to its Final List of Evidence ("LoE")⁴: (i) the *curriculum vitae* (CV) and other material related to P-0587's academic and professional background and a note regarding P-0617's qualifications, [REDACTED]⁵; (ii) the updated CV of P-0643, [REDACTED]⁶; and (iii) P-0662's previous testimony in the trial in *Prosecutor* [REDACTED]⁷. As explained below, there is good cause and it is in the "interests of justice" to allow delayed addition of these documents to the LoE.

¹ ICC-01/12-01/18-789-AnxA, para. 67.

² [REDACTED] Requests to qualify as experts P-0064, P-0075, P-0104, P-0151, P-0152, P-0193, P-0620, P-0621, P-0635, P-0653, P-0655 and P-0657, who are scheduled to appear during [REDACTED] are made in separate filings.

P-0661 and P-0660 are expected to be called during [REDACTED] of witnesses. See ICC-01/12-01/18-805-Conf-AnxA, p. 2.

⁴ ICC-01/12-01/18-805-Conf-AnxB.

⁵ CV of P-0587, [REDACTED]; Note on the background of P-0617, [REDACTED]

⁶ Updated CV of P-0643, [REDACTED].

⁷ P-0662's testimony in the trial proceedings in *Prosecutor* [REDACTED], [REDACTED]

Confidentiality

5. Pursuant to regulation 23bis(1) of the RoC, the Prosecution files this submission and its accompanying annexes as confidential because they relate to *inter partes* proceedings and because they contain confidential information regarding Prosecution witnesses, in addition to referring to filings classified as confidential. The Prosecution shall file a public redacted version in due course.

Submissions

6. Pursuant to articles 64(9)(a) and 69(4) of the Statute, the Chamber has the discretion to hear a witness as an expert when it is satisfied that (i) the proposed witness is an expert,⁸ giving due consideration to whether the person is included in the Registry's list of experts;⁹ (ii) the proposed testimony in the relevant area of expertise would be of assistance;¹⁰ and (iii) the content of the report and/or anticipated testimony falls within the expertise of the witness and does not usurp the functions of the Chamber as ultimate arbiter of fact and law.¹¹

7. Expert witnesses are persons who, "by virtue of some specialised knowledge, skill or training can assist the Chamber to understand an issue of a technical nature that is in dispute, without undue difficulty".¹² They are ordinarily afforded wide latitude to offer opinions within their expertise and their views need not be based upon first-hand knowledge or experience.¹³

1) Request to call P-0205, P-0206, P-0431, P-0555, P-0587, P-0590, P-0598, P-0617, P-0643 and P-0662 as experts

Witnesses P-0205 and P-0206

8. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].¹⁴ Their report will be of assistance to the

⁸ ICC-01/04-02/06-1159, para. 8; ICC-01/05-01/08-2273, para. 9; ICC-01/09-01/11-844, paras. 11, 12.

⁹ See also [REDACTED]

ICC-01/04-02/06-1159, para. 8; ICC-01/04-01/06-1069, para. 25; ICC-01/05-01/08-2273, para. 8; ICC-01/09-01/11-844, para. 12.

¹¹ ICC-01/04-02/06-1159, para. 8; ICC-01/09-01/11-844, para. 12.

¹² ICC-01/09-01/11-844, para. 11.

¹³ ICC-01/04-02/06-1159, para. 8.

¹⁴ Report by P-0205 and P-0206, [REDACTED]

Chamber [REDACTED]
which relates to the existence of an armed conflict at the time relevant to the charges in this case.

9. [REDACTED]
[REDACTED] 15 [REDACTED]
[REDACTED] 16 [REDACTED]
[REDACTED]
[REDACTED] 17 [REDACTED]
[REDACTED] 18 [REDACTED]
[REDACTED] 19

10. [REDACTED]
[REDACTED] 20 [REDACTED]
[REDACTED]
[REDACTED] 21 [REDACTED]
[REDACTED]
[REDACTED] 22

11. In light of their qualifications and experience, the content of their report falls within the scope of their expertise. Due to the limited nature of their evidence, the Prosecution intends to seek the introduction of their report and associated material pursuant to rule 68(2)(b) of the Rules of Procedure and Evidence (“Rules”).

Witness P-0431²³

12. [REDACTED]
[REDACTED]
[REDACTED]

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]

²³ Expected to be called during [REDACTED] of witnesses. See ICC-01/12-01/18-805-Conf-AnxA, p. 3.

[REDACTED]
[REDACTED]²⁴ [REDACTED]
[REDACTED].

13. P-0431’s anticipated testimony will cover, *inter alia*: (i) [REDACTED]
[REDACTED]; (ii) [REDACTED]
[REDACTED]

(iii) [REDACTED]
[REDACTED]

[REDACTED] (iv) [REDACTED]
[REDACTED]; and (v) [REDACTED]
[REDACTED]. As such, his evidence would be of

assistance to the Chamber in its assessment of the facts [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]²⁵.

14. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]²⁶,
[REDACTED]
[REDACTED]²⁷ [REDACTED]
[REDACTED]

[REDACTED]²⁸.

15. In light of P-0431’s qualifications and experience, the content of his anticipated testimony falls within the scope of his expertise.

²⁴ [REDACTED]

²⁵ [REDACTED]
[REDACTED].

²⁷ [REDACTED]
[REDACTED]
[REDACTED]

Witness P-0555

16. [REDACTED]
[REDACTED]
[REDACTED].²⁹ His reports will be of assistance to the Chamber [REDACTED]
[REDACTED] which are relevant to issues such as the crime of persecution charged under count 13 and the common purpose or plan and organisational policy of the Groups.

17. [REDACTED]
[REDACTED]
[REDACTED].³⁰ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].³¹

18. [REDACTED]
[REDACTED]
[REDACTED].³² [REDACTED]
[REDACTED]
[REDACTED].³³

19. P-0555's reports³⁴ would be of assistance to the Chamber [REDACTED] [REDACTED]
[REDACTED] [REDACTED].³⁵ His reports are of a technical nature, prepared on the basis of the understanding that they would be used for judicial purposes,³⁶ and pursuant to the applicable guidelines.³⁷

29 [REDACTED]
[REDACTED]
31 [REDACTED]
32 [REDACTED]
33 [REDACTED]
34 [REDACTED]
35 [REDACTED]
[REDACTED]
[REDACTED]
37 [REDACTED]
[REDACTED]

20. In light of the abovementioned qualifications and experience, the content of P-0555's reports falls within his expertise on audio enhancement. Due to the limited nature of his evidence, the Prosecution intends to seek the introduction of his report and associated material pursuant to rule 68(2)(b) of the Rules.

Witness P-0587 and P-0617³⁸

21. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]³⁹ [REDACTED]

[REDACTED]⁴⁰ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]⁴¹ [REDACTED]

[REDACTED]

[REDACTED]

22. [REDACTED]

[REDACTED]

[REDACTED]⁴² [REDACTED]

[REDACTED]

[REDACTED]⁴³ [REDACTED]

[REDACTED]⁴⁴ [REDACTED]

[REDACTED]

[REDACTED]⁴⁵ [REDACTED]

³⁸ Expected to be called during the [REDACTED] of witnesses. See ICC-01/12-01/18-805-Conf-AnxA, p. 3.

³⁹ Report by P-0587 and P-0617, [REDACTED]

⁴⁰ Mission letter and addendums thereto, [REDACTED]

Based on other evidence, [REDACTED]

⁴² P-0587's CV, [REDACTED]

⁴³ P-0587's CV, [REDACTED]

⁴⁴ P-0587's CV, [REDACTED]

⁴⁵ [REDACTED]

23. [REDACTED]

[REDACTED]⁴⁶ [REDACTED]

[REDACTED]⁴⁷ [REDACTED]

[REDACTED]

[REDACTED]⁴⁸ [REDACTED]

[REDACTED]

[REDACTED]⁴⁹ [REDACTED]

24. The report and anticipated testimony of P-0587 and P-0617 will be of assistance to the Chamber [REDACTED]

[REDACTED] These are relevant to the issues in the case, such as the existence of a group with a common purpose or plan and the Accused's contribution to the crimes charged, including in particular, those under counts 7 and 13.

25. In light of P-0587 and P-0617's qualifications and experience, the content of their anticipated testimony falls within the scope of their expertise.

26. The Prosecution further seeks pursuant to regulation 35 of the RoC the Chamber's authorisation to add to its LoE the CV of P-0587 and the note regarding the professional background of P-0617, [REDACTED] The Prosecution only recently identified that their CVs were not annexed to their expert report as requested in the mission letters.

27. The Prosecution recalls that under regulation 35(2) of the RoC, a Chamber may extend a time limit "if good cause is shown",⁵⁰ or where it is in the "interests of justice".⁵¹ 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

⁴⁶ Note on the background of P-0617, [REDACTED]

[REDACTED] Note on the background of P-0617, [REDACTED]

⁴⁸ Note on the background of P-0617, [REDACTED]

⁴⁹ Note on the background of P-0617, [REDACTED]

⁵⁰ ICC-01/04-01/06-834, para.7.

⁵¹ See ICC-01/04-01/10-505, para.11.

69(3) of the Statute to allow admission of evidence that it deems necessary for the determination of the truth.⁵²

28. In this instance, it is in the interests of justice and determination of the truth that these documents be added to the LoE as they assist in understanding the basis for the expertise of P-0587 and P-0617.

Witness P-0590⁵³

29. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].⁵⁴ His reports and anticipated testimony will cover [REDACTED]
[REDACTED].⁵⁵ As such, they are relevant to issues raised by the Defence in the case, in particular, the admissibility of the evidence obtained from these witnesses.

30. [REDACTED]
[REDACTED]⁵⁶ [REDACTED]
[REDACTED].⁵⁷ [REDACTED]
[REDACTED]⁵⁸ [REDACTED]
[REDACTED]
[REDACTED].⁵⁹ [REDACTED]
[REDACTED]
[REDACTED]. [REDACTED]

⁵² 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 there was a basis to allow for the admission of the evidence. However, in that instance provided the evidence was more compelling than other disclosed information, brings to light a previously unknown fact of significant bearing upon the case and late addition will not cause undue prejudice to the Defence.

⁵³ Expected to be called during [REDACTED] of witnesses. See ICC-01/12-01/18-805-Conf-AnxA, p. 3.

⁵⁴ See Report on P-0582, [REDACTED]; Report on P-0537, [REDACTED]; Report on P-0626, [REDACTED]; Report on P-0605, [REDACTED]; Report on P-0647, [REDACTED]; Report on P-0582, [REDACTED]; Report on P-0605, [REDACTED]; Report on P-0537, [REDACTED]; Report on P-0537, [REDACTED] and Report on P-0634, [REDACTED]

P-0590 is also expected to testify about matters unrelated to his expertise [REDACTED]
[REDACTED]

P-0590's CV, [REDACTED]

⁵⁷ P-0590's CV, [REDACTED]

⁵⁸ P-0590's CV, [REDACTED]

⁵⁹ P-0590's CV, [REDACTED]

[REDACTED]
[REDACTED]⁶⁰

31. [REDACTED]

[REDACTED]⁶¹ [REDACTED]
[REDACTED]
[REDACTED]⁶²

32. P-0590's reports and anticipated testimony would be of assistance to the Chamber should there be any need to assess [REDACTED]

[REDACTED] witnesses and [REDACTED]

[REDACTED] The expert's opinions expressed in his reports⁶³ are of a technical nature, prepared on the basis of [REDACTED] and pursuant to instructions to provide an objective forensic opinion as expert witness.⁶⁴

33. In light of the abovementioned qualifications and experience, the content of P-0590's reports and anticipated testimony fall within his expertise [REDACTED]. Due to the nature of his evidence, the Prosecution intends to seek the introduction of his reports pursuant to rule 68(3) of the Rules.

Witness P-0598⁶⁵

34. [REDACTED]
[REDACTED]
[REDACTED]

⁶⁰ P-0590's CV, [REDACTED].

⁶¹ P-0590's CV, [REDACTED].

⁶² P-0590's CV, [REDACTED].

⁶³ See essentially Report on P-0582, [REDACTED]; Report on P-0537, [REDACTED]; Report on P-0626, [REDACTED]; Report on P-0605, [REDACTED]; Report on P-0647, [REDACTED]; Report on P-0582, [REDACTED]; Report on P-605, [REDACTED]; Report on P-0537, [REDACTED]; Report on P-0537, [REDACTED] and Report on P-0634, [REDACTED]; and also [REDACTED] on P-0627.

⁶⁴ See essentially Mission letter regarding P-0582, [REDACTED]; Mission letter regarding P-0626, [REDACTED]; Mission letter regarding P-0537, [REDACTED]; Mission letter regarding P-0605, [REDACTED]; Mission letter regarding P-0582, [REDACTED]; Mission letter regarding P-0537, [REDACTED]; Mission letter regarding P-0537, [REDACTED]; Mission letter regarding P-0582, [REDACTED]; Mission letter regarding P-0605, [REDACTED]; Mission letter regarding P-0647, [REDACTED]; Mission letter regarding P-0537; [REDACTED]; Mission letter regarding P-0634, [REDACTED].

While the introduction of his evidence pursuant to rule 68(2)(b) of the Rules was indicated in his witness summary, ICC-01/12-01/18-740-Conf-AnxB, p. 937, the Prosecution intends to seek the introduction of his evidence pursuant to rule 68(3) of the Rules and to call him during [REDACTED] of witnesses for *viva voce* testimony, as indicated in the Order of Prosecution Witnesses, ICC-01/12-01/18-805-Conf-AnxA, p. 3.

[REDACTED]
[REDACTED]. His [REDACTED] opinion would be of assistance to the Chamber in its assessment of the facts related to the crimes committed [REDACTED] [REDACTED] as charged under counts 1-5.

35. [REDACTED]
[REDACTED],⁶⁶ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED],⁶⁷ [REDACTED]
[REDACTED]
[REDACTED]⁶⁸

36. [REDACTED]
[REDACTED],⁶⁹
[REDACTED],⁷⁰
[REDACTED],⁷¹ [REDACTED]
[REDACTED],⁷² [REDACTED]
[REDACTED],⁷³ [REDACTED]
[REDACTED],⁷⁴ [REDACTED]
[REDACTED].⁷⁵

37. [REDACTED]⁷⁶ [REDACTED]
[REDACTED].⁷⁷ [REDACTED]
[REDACTED]⁷⁸ [REDACTED]

⁶⁶ P-0598's CV, [REDACTED]
⁶⁷ [REDACTED]
⁶⁸ P-0598's CV, [REDACTED]
⁶⁹ P-0598's CV, [REDACTED]
⁷⁰ P-0598's CV, [REDACTED]
⁷¹ P-0598's CV, [REDACTED]
⁷² P-0598's CV, [REDACTED]
⁷³ P-0598's CV, [REDACTED]
⁷⁴ P-0598's CV, [REDACTED]
⁷⁵ P-0598's CV, [REDACTED]
⁷⁶ P-0598's CV, [REDACTED]
⁷⁷ P-0598's CV, [REDACTED]
⁷⁸ P-0598's CV, [REDACTED]

[REDACTED]

[REDACTED]⁷⁹.

38. P-0598's report⁸⁰ and addendum⁸¹ were prepared on the basis of his review of relevant evidence, i.e. [REDACTED] and [REDACTED] and [REDACTED],⁸² and pursuant to instructions to provide an objective [REDACTED] opinion as expert witness.⁸³ P-0598's opinions expressed in the report are of a technical nature, [REDACTED]

39. In light of the abovementioned qualifications and experience, P-0598's anticipated testimony falls within the scope of his expertise.

Witness P-0643⁸⁴

40. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].⁸⁵ His report and anticipated testimony will cover, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] They 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 and the crime of passing of sentences without due process under count 6.

41. [REDACTED]
[REDACTED]

⁷⁹ P-0598's CV, [REDACTED]

⁸⁰ P-0598's report, [REDACTED]

⁸¹ Addendum to P-0598's report, [REDACTED]

⁸² Annex to the mission letter to P-0598, [REDACTED]

⁸³ Mission letter to P-0598, [REDACTED] Follow up mission letter to P-0598, [REDACTED]

⁸⁴ Expected to be called during [REDACTED] of witnesses. See ICC-01/12-01/18-805-Conf-AnxA, p. 2.

⁸⁵ 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].

[Redacted] .⁸⁶ [Redacted]
[Redacted] .⁸⁷ [Redacted]
[Redacted]
[Redacted]
[Redacted] .⁸⁸ [Redacted]
[Redacted]

42. [Redacted]
[Redacted]
[Redacted] .⁸⁹ H [Redacted]
[Redacted]
[Redacted] ,⁹⁰ and [Redacted] .⁹¹ He
has also [Redacted] .⁹² [Redacted]
[Redacted]
[Redacted] .⁹³ [Redacted] .⁹⁴
[Redacted]
[Redacted] .⁹⁵

43. [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted] .⁹⁶ [Redacted]
[Redacted] .⁹⁷ [Redacted]
[Redacted]

⁸⁶ P-0643's CV, [Redacted]
⁸⁷ P-0643's CV, [Redacted]; Investigation note, [Redacted]
⁸⁸ P-0643's CV, [Redacted]; Attestation provided by P-0643, [Redacted]
⁸⁹ P-0643's CV, [Redacted]; Document written by P-0643, [Redacted]
[Redacted]
[Redacted] P-0643's CV, [Redacted]
⁹¹ P-0643's CV, [Redacted]
⁹² P-0643's CV, [Redacted]
⁹³ Investigation note, [Redacted]
⁹⁴ P-0643's CV, [Redacted]
⁹⁵ P-0643's CV, [Redacted]; Document written by P-0643, [Redacted]
[Redacted]
Document written by P-0643, [Redacted]
⁹⁷ Document written by P-0643, [Redacted]

[REDACTED] 98 [REDACTED]
[REDACTED]
[REDACTED] 99

44. [REDACTED]
[REDACTED]
[REDACTED] 100 [REDACTED]
[REDACTED] 101 [REDACTED]
[REDACTED] 102

45. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] 103 [REDACTED]
[REDACTED]
[REDACTED] 104 [REDACTED]
[REDACTED]
[REDACTED] 105 [REDACTED]
[REDACTED] 106 [REDACTED]
[REDACTED] 107 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] 108 [REDACTED]
[REDACTED]

⁹⁸ P-0643's CV, [REDACTED]
⁹⁹ P-0643's CV, [REDACTED]
¹⁰⁰ P-0643's CV, [REDACTED]
¹⁰¹ P-0643's CV, [REDACTED]
¹⁰² Investigation note, [REDACTED]
¹⁰³ P-0643's updated CV, [REDACTED]
¹⁰⁴ P-0643's updated CV, [REDACTED]
¹⁰⁵ P-0643's updated CV, [REDACTED]
¹⁰⁶ Investigation note, [REDACTED]
¹⁰⁷ Investigation Note, [REDACTED]
¹⁰⁸ P-0643's updated CV, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]¹⁰⁹.

46. In light of the abovementioned qualifications and experience, the content of P-0643's eventual report and anticipated testimony falls within his expertise.

47. The Prosecution further requests the Chamber's authorisation to add his updated CV [REDACTED]¹¹⁰ to the LoE pursuant to regulation 35 of the RoC. The Prosecution also observes, for reasons as previously indicated,¹¹¹ that it will seek to include his expert report and a potential witness statement on the LoE under regulation 35. P-0643 is in a unique situation, in contrast to other experts [REDACTED]
[REDACTED]

[REDACTED] He is qualified to testify as an expert on the topics within his expertise [REDACTED]

[REDACTED] The updated CV more fully reflects his expertise [REDACTED]

48. P-0643 meets the requirements to be qualified as an expert witness. The Prosecution considers that there is good cause for delayed addition of his updated CV to the LoE. Its addition would also be in the interests of justice¹¹² and of assistance to the Chamber's determination of the truth¹¹³ as it would assist in understanding the basis for his expertise and his anticipated testimony.

49. The Prosecution also recalls that, [REDACTED] obtaining a witness statement from him on several topics. [REDACTED]

[REDACTED] The Prosecution still considers it necessary to [REDACTED] It is exploring every possibility [REDACTED]¹¹⁴ The

¹⁰⁹ Document written by P-0643, [REDACTED]

¹¹⁰ P-0643's updated CV, [REDACTED]

¹¹¹ ICC-01/12-01/18-740-Conf-AnxB, p.1137-1138.

¹¹² See ICC-01/04-01/10-505, para.11.

¹¹³ See ICC-01/04-01/07-2325, para.15.

¹¹⁴ [REDACTED]
[REDACTED]

[REDACTED] 120 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

[REDACTED] 121
 .

53. [REDACTED]
 [REDACTED]
 [REDACTED] 122

54. [REDACTED]
 [REDACTED] 123 [REDACTED]
 [REDACTED]
 [REDACTED] 124 [REDACTED]
 [REDACTED] 125

55. In light of the abovementioned qualifications and experience, the content of P-0662's report and anticipated testimony falls within her expertise.

56. The Prosecution further seeks pursuant to regulation 35 of the RoC the Chamber's authorisation to include in its LoE the transcript of the prior testimony of P-0662 in *Prosecutor v. [REDACTED]* The transcript was available in the Court Records system and on the ICC website, but it had not been formally disclosed to the Defence. In this instance, it is in the interests of justice and the determination of the truth that its inclusion in the LoE be allowed as it will assist in understanding her anticipated testimony in this case. There is no undue prejudice to the Defence, who will receive the transcript sufficiently in advance before P-0662 is due to testify.

¹²⁰ P-0662's CV, [REDACTED]

¹²¹ P-0662's CV, [REDACTED]

¹²² P-0662's CV, [REDACTED]

¹²³ P-0662's testimony in the trial proceedings in *Prosecutor [REDACTED] [REDACTED]* See also P-0662's CV, [REDACTED]

¹²⁴ P-0662's CV, [REDACTED]

¹²⁵ P-0662's CV, [REDACTED]

2) Request regarding P-0660 and P-0661

57. [REDACTED]¹²⁶ [REDACTED]
 [REDACTED]
 [REDACTED]¹²⁷ [REDACTED]
 [REDACTED]
 [REDACTED]. As mentioned in Annex B to the Prosecution filing ICC-01/12-01/18-740, due to the COVID-19 pandemic, his mission was cancelled.¹²⁸ It is not clear at this stage [REDACTED]
 [REDACTED] As indicated in the above mentioned filing, upon [REDACTED], a request under regulation 35 of the RoC will be filed for addition to the LoE of their respective reports and associated material.¹²⁹

58. [REDACTED]¹³⁰ [REDACTED]
 [REDACTED]
 [REDACTED]¹³¹

59. In the circumstances, the Prosecution respectfully requests, pursuant to regulation 35 of the RoC, leave to file an application to call P-0660 and P-0661 as experts [REDACTED]
 [REDACTED] upon receipt of their expert reports.¹³² At this stage, the Prosecution is not in a position to provide the Chamber with all the requisite and complete information regarding the evidence these witnesses are expected to provide. The exceptional circumstances caused by the COVID-19 pandemic constitute good cause for granting an extension of the time limit for qualifying witnesses as experts. Should the Chamber grant this request, and depending on the circumstances, the Prosecution will seek to call P-0660 and P-0661 at a later stage of the trial to give the Defence additional time to prepare.

¹²⁶ P-0661's CV, [REDACTED]

¹²⁷ Note on contact with P-0661, [REDACTED]; P-0661's report, [REDACTED]

¹²⁸ See fn. 1 in the witness summary of P-0661, ICC-01/12-01/18-740-Conf-AnexB, p. 1198.

¹²⁹ [REDACTED]

¹³⁰ P-0660's CV, [REDACTED]

¹³¹ Note on contact with P-0660, [REDACTED]

¹³² P-0661 and P-0660 are expected to be called during [REDACTED] of witnesses. See ICC-01/12-01/18-805-Conf-AnxA, p. 2.

Conclusion

60. For the foregoing reasons, the Prosecution asks that the Chamber authorise the Prosecution to qualify P-0205, P-0206, P-0431, P-0555, P-0587, P-0590, P-0598, P-0617, P-0643 and P-0662 as experts.

61. The Prosecution also requests the Chamber's authorisation for an extension of time as detailed in paragraphs 26-28, 47-48, 56-59.



Fatou Bensouda, Prosecutor

Dated this 1 June 2020

At The Hague, The Netherlands