

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: ICC-02/05-01/20

Date: **19 March 2021**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
THE PROSECUTOR *v.*
ALI MUHAMMAD ALI ABD-AL-RAHMAN (“ALI KUSHAYB”)**

Confidential

**Prosecution’s withdrawal of non-disclosure requests concerning
Witnesses P-0039 and P-0843**

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 the Applicants

Unrepresented Victims

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(Participation/Reparation)**

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Mr Peter Lewis

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Victims and Witnesses Unit

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Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Prosecution withdraws its request for authorisation of the non-disclosure of the identities of Witnesses P-0039 and P-0843, and the non-disclosure of two entire items of evidence relating to Witness P-0843.¹ The Prosecution has established that such disclosure would not endanger these witnesses or their family members.

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, this request is filed as confidential because it contains information pertaining to witness security.

III. PROCEDURAL HISTORY

3. Under article 68(1) of the Rome Statute and rule 81(4) of the Rules of Procedure and Evidence, the Prosecution requested the Single Judge to authorise the non-disclosure of the identities of Witnesses P-0039 and P-0843, and the non-disclosure of two entire items of evidence relating to Witness P-0843, to mitigate security risks to them and their family members resulting from their cooperation with the Court, on 18 December 2020² and 26 February 2021.³

IV. SUBMISSIONS

4. The Prosecution disclosed the statements and annexes of Witnesses P-0039 and P-0843 with redactions applied to their identities on 15 February 2021⁴ and 7 December 2020,⁵ respectively. The security situations of Witnesses P-0039 and P-0843 have since changed, and the Prosecution is now in a position to re-disclose their evidence without such redactions.

5. The Prosecution is committed to lifting non-standard redactions as soon as practicable after establishing that the circumstances that necessitated the non-

¹ Video, DAR-OTP-0215-0295; Video, DAR-OTP-0215-0296.

² ICC-02/05-01/20-242-Conf-Exp+Conf-Exp-Anxs.

³ ICC-02/05-01/20-287-Conf-Exp+Conf-Exp-Anxs.

⁴ ICC-02/05-01/20-284+Conf-Anxs. Items DAR-OTP-0094-0270; DAR-OTP-0094-0298.

⁵ ICC-02/05-01/20-225+Conf-Exp+Conf-Exp-Anxs. Items DAR-OTP-0216-0600; DAR-OTP-0216-0643; DAR-OTP-0216-0644; DAR-OTP-0216-0645; DAR-OTP-0216-0646; DAR-OTP-0216-0647; DAR-OTP-0216-0648; DAR-OTP-0216-0649; DAR-OTP-0216-0650; DAR-OTP-0215-6794.

disclosure of a witness's identity have ceased to exist. It will thus disclose lesser redacted versions of the statements and annexes of Witnesses P-0039 and P-0843 shortly. The Prosecution will also disclose the two items of evidence relating to Witness P-0843.

V. CONCLUSION

6. The Prosecution withdraws its request for authorisation of the non-disclosure of the identities of Witnesses P-0039 and P-0843, and the non-disclosure of two entire items of evidence relating to Witness P-0843.



James Stewart
Deputy Prosecutor

Dated this 19th day of March 2021

At The Hague, the Netherlands