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TRIAL CHAMBER I

Before: Judge Joanna Korner, Presiding Judge
Judge Reine Alapini-Gansou
Judge Althea Violet Alexis-Windsor

SITUATION IN DARFUR, SUDAN

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

Public

Public Redacted Version of “Prosecution’s first application under rule 68(2)(b) to introduce into evidence prior recorded testimony of witnesses P-0013, P-0034, P-0043, and P-0065” 26 January 2022

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I. INTRODUCTION

1. Pursuant to article 69(2) and (4) of the Rome Statute (“Statute”) and rule 68(2)(b) of the Rules of Evidence and Procedure (“Rules”), the Prosecution requests that Trial Chamber I (“Chamber”): (i) introduce into evidence the statements and associated material (“Prior Recorded Testimonies”)¹ of P-0013, P-0034, P-0043, and P-0065 (“Four Witnesses”); (ii) designate the Registry Legal Counsel, or any appropriate person delegated by him, as the person authorised to witness declarations required pursuant to rule 68(2)(b)(ii) and (iii); and (iii) authorize remote certifications due to the current challenges imposed by the ongoing COVID-19 pandemic² (“Application”).³

2. Granting the Application will enhance the expeditiousness of the proceedings, obviate the unnecessary appearance of witnesses, save valuable court time and resources, and serve the interests of justice.⁴

3. As submitted, the Prior Recorded Testimonies of the Four Witnesses do not concern the acts and conduct of the Accused and relate primarily to evidence establishing the contextual elements of war crimes and crimes against humanity, including in relation to charged crimes in Wadi Salih and Mukjar localities, as confirmed by Pre-Trial Chamber II.⁵

¹ Annex A (A1 to A4) lists the prior recorded testimonies of the Four Witnesses which comprise their witness statements (at I) and associated material (at II). The material related to the witness’s prior recorded testimony which the Prosecution does not seek to introduce into evidence, is also included (at III). Hyperlinks to this material are also included. *See* Directions on the conduct of proceedings, [ICC-02/05-01/20-478](#), para. 47 (“Directions on the Conduct of Proceedings”).

² *Al Hassan*, Public redacted version of the Decision on the introduction of P-0598’s evidence pursuant to Rule 68(2)(b) of the Rules, TC X, 29 October 2020, [ICC-01/12-01/18-1111-Red](#), para. 18 (“*Al Hassan*, rule 68(2)(b) decision”).

³ This Application is submitted in accordance with Directions on the Conduct of Proceedings, paras. 46-48.

⁴ Pursuant to article 64 (3)(a), the Chamber shall “[c]onfer with the parties and adopt such procedures as are necessary to facilitate the fair and expeditious conduct of proceedings.” *See also* Chambers Practice Manual (2019), p. i (“The overall question of the expeditiousness of proceedings is one of considerable complexity and the conduct and readiness of all parties and participants to Court proceedings play a crucial role—the commitment to expediency must, in this regard, be a collective one.”); *Katanga*, Judgment on the Appeal of Mr Katanga Against the Decision of Trial Chamber II of 20 November 2009 Entitled “Decision on the Motion of the Defence for Germain Katanga for a Declaration on Unlawful Detention and Stay of Proceedings”, AC, 15 July 2010, ICC-01/04-01/07-2259 OA10, para. 43 (“The Appeals Chamber observes that expeditiousness is a recurrent theme in the Court’s legal instruments. The Statute and the Rules of Procedure and Evidence place an onus on all those involved in the trial to act in a diligent and expeditious manner in the performance of their obligations. The duty applies to the Chambers of the Court, the parties and participants.[...]”). *See also* *Ntaganda*, Decision on Prosecution application under Rule 68(3) of the Rules for admission of prior recorded testimony of Witness P-0055, TC VI, 29 October 2015, [ICC-01/04-02/06-961](#), para. 13; *Gbagbo & Blé Goudé*, Decision on Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3), TC I, 9 June 2016, [ICC-02/11-01/15-573-Red](#), paras. 25, 42.

⁵ Confirmation Decision, [ICC-02/05-01/20-433-Corr](#), paras. 61-67.

4. As set out below, the Prior Recorded Testimonies of the Four Witnesses are relevant, reliable and probative. The introduction into evidence of these testimonies is not prejudicial to or inconsistent with the rights of the Accused, are of cumulative or corroborative nature and are limited to evidence of issues that are not materially in dispute.

II. CLASSIFICATION

5. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, this Application and its Annex A are filed as confidential, since they contain confidential information that identifies the Four Witnesses. A public redacted version of the Application will be filed as soon as practicable.

III. LEGAL BASIS

6. Rule 68(2)(b) of the Rules provides that the Chamber may allow the introduction of the prior recorded testimony of a witness where the testimony goes to proof of a matter other than the acts and conduct of the accused and is accompanied by a declaration by the testifying person that the contents of the prior recorded testimony are true and correct to the best of that person's knowledge and belief.⁶

7. In the *Ongwen* case, when deciding on the Prosecution's rule 68(2)(b) requests,⁷ the Chamber ruled "[t]hat the expression 'acts and conduct of the accused' within the meaning of Rule 68(2)(b) of the Rules must be understood as referring exclusively to those actions of the accused which are described in the charges brought against him or her or which are otherwise relied upon to establish his or her criminal responsibility for the crimes charged."⁸ However, this exclusion of incriminating evidence under rule 68 (2)(b) does not include "evidence with respect to the acts and conduct of other persons, whether alleged co-perpetrators, subordinates or otherwise, which are attributed to the accused in the charges by reason of the mode of liability alleged."⁹

⁶ See rule 68(2)(b) of the Rules of Evidence and Procedure.

⁷ *Ongwen*, Decision on the Prosecution's Applications for Introduction of Prior Recorded Testimony under Rule 68(2)(b) of the Rules, TC IX, 18 November 2016, [ICC-01/04-02/06-596-Red](#), para. 12 ("*Ongwen*, rule 68 (2)(b) decision").

⁸ *Ongwen*, rule 68 (2)(b) decision, para. 12.

⁹ *Ongwen*, rule 68 (2)(b) decision, para. 12.

8. The jurisprudence of the Court further establishes that the decision to introduce into evidence the prior recorded testimony of a witness, pursuant to rule 68(2)(b) is discretionary,¹⁰ and that its purpose is to “identify situations where it is not necessary to examine witnesses, while preserving a fair and expeditious trial”.¹¹ In the exercise of this discretion, the Appeals Chamber in the *Bemba* decision on rule 68(2)(b) requests¹² articulated a non-exhaustive list of factors that the Chamber shall consider in determining whether to introduce into evidence prior recorded testimony falling under rule 68(2)(b). These are, *inter alia*: whether the prior testimony relates to issues that are not materially in dispute;¹³ is of a cumulative or corroborative nature;¹⁴ relates to background information; is such that the interests of justice are best served by its introduction;¹⁵ and has sufficient indicia of reliability.¹⁶

¹⁰ *Al Hassan*, Second Decision on the introduction of prior recorded testimonies pursuant to Rule 68(2)(b) of the Rules, TC X, 24 March 2021, [ICC-01/12-01/18-1314-Red](#), para. 7; *Ongwen*, Decision on Prosecution Request to Introduce Evidence of Defence Witnesses via Rule 68(2)(b), TC IX, 16 August 2018, [ICC-02/04-01/15-1322-Red](#), para. 8.

¹¹ *Al Hassan*, Third Decision on the introduction of prior recorded testimonies pursuant to Rule 68(2)(b) of the Rules, TC X, 14 April 2021, [ICC-01/12-01/18-1402-Red2](#), para. 9.

¹² *Bemba*, Judgment on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against the decision of Trial Chamber III entitled “Decision on the admission into evidence of materials contained in the prosecution’s list of evidence”, AC, 03 May 2011, [ICC-01/05-01/08-1386](#), para. 78 (“*Bemba* Rule 68 AD”).

¹³ In *Gbagbo & Blé Goudé*, Trial Chamber I determined that rule 68(2)(b) of the Rules allows for the submission of statements that (i) do not relate to core issues materially in dispute or (ii) are limited solely to the destruction caused and the casualties of the alleged attacks, but not to its authors or causes (*Gbagbo & Blé Goudé*, Decision on the “Prosecution’s consolidated application to conditionally admit the prior recorded statements and related documents of various witnesses under rule 68 and Prosecution’s application for the introduction of documentary evidence under paragraph 43 of the directions on the conduct of proceedings relating to the evidence of Witnesses P-0087 and P-0088, TC I, 6 June 2017, [ICC-02/11-01/15-950-Red](#), paras. 19-20, 29, 36-37) (“*Gbagbo & Blé Goudé* rule 68 decision”). Similarly, in *Ongwen*, Trial Chamber IX determined that “the Chamber shall consider whether the prior recorded testimony relates to matters which are soundly and conceivably disputed between the parties, and are crucial, or of at least sufficient significance for the Chamber’s eventual determination of the charges against the accused in its judgment under Article 74 of the Statute”. (*Ongwen* rule 68 (2)(b) decision, para. 15). Lastly, in *Ntaganda*, Trial Chamber VI allowed for the submission of a statement pursuant to rule 68(2)(b) of the Rules even if it described the manner in which an attack was conducted, as it did not address the acts and conducts of the accused and was significantly cumulative with the oral testimony of other witnesses (*Ntaganda*, Decision on Prosecution application for admission of prior recorded testimony of Witness P-0039 under Rule 68(2)(b), TC VI, 12 January 2017, [ICC-01/04-02/06-1715-Red](#), paras. 13-14) (“*Ntaganda* rule 68(2)(b) decision”).

¹⁴ This is one of the factors that may be considered by the Chamber, but is not a *conditio sine qua non* for introduction of the testimony in writing (*Gbagbo & Blé Goudé*, Decision on the request for leave to appeal the “Decision on the ‘Prosecution’s consolidated application to conditionally admit the prior recorded statement and related documents of various witnesses under rule 68 and Prosecution’s application for the introduction of documentary evidence under paragraph 43 of the directions on the conduct of proceedings relating to the evidence of Witnesses P-0087 and P-0088””, TC I, 12 September 2017, [ICC-02/11-01/15-1023](#), para. 13). In *Ntaganda*, it was established that minor discrepancies between accounts do not prevent introduction of prior recorded testimonies pursuant to rule 68(2)(b) of the Rules (*Ntaganda*, rule 68(2)(b) decision, para. 14).

¹⁵ *Ongwen* rule 68 (2)(b) decision, para. 16.

¹⁶ *Ntaganda*, Decision on Prosecution application for admission of prior recorded testimony of Witnesses P-0020, P-0057 and P-0932 under Rule 68(2)(b), TC VI, 18 January 2017, [ICC-01/04-02/06-1730-Red](#), para. 19; *Gbagbo & Blé Goudé*, rule 68 decision, para. 22; *Ongwen*, rule 68 (2)(b) decision para. 17-19.

IV. SUBMISSIONS

A. Overview of the Prior Recorded Testimonies of P-0013, P-0034, P-0043, and P-0065

9. The Prior Recorded Testimonies of the Four Witnesses relate primarily to the contextual elements of war crimes and crimes against humanity.¹⁷

10. In addition to the statements of the Four Witnesses, the Prosecution seeks to introduce into evidence the associated material for each of the Four Witnesses,¹⁸ which forms an integral part of their Prior Recorded Testimonies.¹⁹ These items are also necessary to fully comprehend the accounts of the Four Witnesses, because the items are discussed and/or clarified in their testimonies. The introduction of this material is supported by Trial Chamber VI's finding that "exhibits associated with these recordings are also admissible so long as the witness uses or explains them in the prior recorded testimony, and particularly when these are necessary to read and understand the prior recorded testimony being introduced."²⁰

(i) *Prior Recorded Testimony of P-0013*

11. The Prosecution seeks to submit into evidence P-0013's prior recorded testimony, inclusive of the associated material listed in Annex A (A1) to this Application. P-0013's prior recorded testimony comprises a single witness statement and four associated items that were used and explained by the witness in his statement and relate to information and events discussed therein.

12. P-0013, a Fur civilian, provides direct eyewitness testimony on the attack on Arawala in December 2003 by the government of the Republic of Sudan ("GoS") Forces²¹ and

¹⁷ [REDACTED].

¹⁸ See Annex A (Part II of A1 to A4). Where applicable, the Prosecution includes in the Annex the English translations of items referred to in the Associated Material.

¹⁹ See *Yekatom & Ngaissona*, Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies under Rule 68(3) of the Rules concerning Witnesses P-1962, P-0925, P-2193, P-2926, P-1577 and P-0287, and the Ngaissona Defence Motion to Limit the Scope, TC V, 1 April 2021, [ICC-01/14-01/18-907-Red](#), para. 26.

²⁰ *Ruto & Sang*, Decision on the Admission of Prior Recorded Testimony, TC V(a), 19 August 2015, [ICC-01/09-01/11-1938-Corr-Red2](#), para. 33. See also *Ntaganda*, Transcript of 20 June 2016, ICC-01/04-02/06-T-105-Red-ENG ET, p. 94, l. 2-7; *Ntaganda*, Decision on Prosecution application under Rule 68(2)(c) of the Rules for admission of prior recorded testimony of Witness P-0103, TC VI, 11 March 2016, [ICC-01/04-02/06-1205](#), para. 7; *Ntaganda*, Decision on Prosecution application under Rule 68(2)(c) of the Rules for admission of prior recorded testimony of Witness P-0022, P-0041 and P-0103, TC VI, 20 November 2015, [ICC-01/04-02/06-1029](#), paras. 23, 35.

²¹ The GoS Forces included the Sudanese Armed Forces, also known as the Sudanese People's Armed Forces, the Popular Defence Forces, the Central Reserve Forces, the Popular Police Forces, and the Sudanese Police; together, the "GoS Forces", [REDACTED].

Militia/*Janjaweed*, in the context of the widespread and systematic nature of the attack within the Wadi Salih and Mukjar localities,²² during the charged period. In particular, P-0013 provides evidence that the crimes of murder,²³ looting,²⁴ and destruction of property²⁵ were committed during said attack by the GoS Forces and Militia/*Janjaweed*. P-0013's prior recorded testimony is also relevant to the contextual elements of war crimes, including, *inter alia*, the military operations of the Sudanese Liberation Movement/Army ("SLM/A") and the Justice and Equality Movement ("JEM") against the GoS forces in Darfur, and the intensity of armed violence in the context of the non-international armed conflict ("NIAC").²⁶

13. P-0013's associated material comprises: (i) a Sketch depicting what the witness saw during the attack on Arawala, in December 2003;²⁷ (ii) a Sketch depicting a map of the villages surrounding Zarey;²⁸ and (iii) a Sketch depicting the tracks left by mortar emplacements;²⁹ and (iv) a photograph of a leaflet showing mines and grenades used during the Arawala attack, in December 2003.³⁰

(ii) *Prior Recorded Testimony of P-0034*

14. The Prosecution seeks to submit into evidence P-0034's prior recorded testimony, inclusive of the associated material listed in Annex A to this Application. P-0034's prior recorded testimony comprises a single witness statement and one associated item that was used and explained by the witness in his statement and relate to information and events discussed therein.

15. P-0034, a Fur civilian, provides testimony on the contextual elements of war crimes, including the integration of Militia/*Janjaweed* into the GoS Forces to fight in the armed conflict on the GoS side;³¹ the rebels attacks on military bases;³² and the SLM/A attack on the airport of Al Fasher, in April 2003.³³ P-0034's testimony is also relevant to the contextual elements of

²² [REDACTED].

²³ [REDACTED].

²⁴ [REDACTED].

²⁵ [REDACTED].

²⁶ [REDACTED].

²⁷ [REDACTED].

²⁸ [REDACTED].

²⁹ [REDACTED].

³⁰ [REDACTED].

³¹ [REDACTED].

³² [REDACTED].

³³ [REDACTED].

crimes against humanity, including: (i) the GoS documentation and meetings related to the State policy on the Darfur counter-insurgency campaign;³⁴ (ii) the speech of President Omar Al Bashir promoting the “scorched earth” State policy in 2003;³⁵ (iii) the recruitment, training and arming of Militia/*Janjaweed* by the GoS Forces;³⁶ and (iv) the failure to investigate and prosecute the Militia/*Janjaweed* for crimes committed in West Darfur.³⁷

16. P-0034’s associated material consists of [REDACTED].³⁸

(iii) *Prior Recorded Testimony of P-0043*

17. The Prosecution seeks to submit into evidence P-0043’s prior recorded testimony, inclusive of the associated material listed in Annex A (A3) to this Application. P-0043’s prior recorded testimony comprises a single witness statement and 16 associated items that were used and explained by the witness in his statement and relate to information and events discussed therein.

18. P-0043, a [REDACTED], is relevant, *inter alia*, to the contextual elements of war crimes. P-0043’s testimony provides an overview of [REDACTED], and its active participation to the NIAC.³⁹

19. P-0043’s associated material consists of: (i) a List/table containing the names of representatives from different political parties;⁴⁰ (ii) [REDACTED];⁴¹ (iii) a Media/press article regarding a press conference (titled “Sudan Liberation Army block a large government attempt to penetrate the movement ranks”);⁴² (iv) a Media/press article concerning the dismissal of the Revolutionary Headquarters;⁴³ (v) 11 Photographs showing scars from the torture suffered by P-0043;⁴⁴ and (vi) the screening notes of P-0043.⁴⁵

(iv) *Prior Recorded Testimony of P-0065*

³⁴ [REDACTED].

³⁵ [REDACTED].

³⁶ [REDACTED].

³⁷ [REDACTED].

³⁸ [REDACTED].

³⁹ [REDACTED].

⁴⁰ [REDACTED].

⁴¹ [REDACTED].

⁴² [REDACTED].

⁴³ [REDACTED].

⁴⁴ [REDACTED].

⁴⁵ [REDACTED].

20. The Prosecution seeks to submit into evidence P-0065's prior recorded testimony, inclusive of the associated material listed in Annex A (A4) to this Application. P-0065's prior recorded testimony comprises a single witness statement and two associated items that were used and explained by the witness in his statement and relate to information and events discussed therein.

21. P-0065, a [REDACTED], provides, *inter alia*, direct eyewitness testimony on the contextual elements of war crimes, including the organisation requirement of armed groups. P-0065's prior recorded testimony is relevant, *inter alia*, to the organisational nature of the JEM, shown by the signing of ceasefire and peace agreements with the GoS,⁴⁶ and its active participation in a NIAC,⁴⁷ including through attacks on GoS bases.⁴⁸

22. P-0065's associated material consists of: (i) [REDACTED];⁴⁹ and (ii) [REDACTED].⁵⁰

B. The Prior Recorded Testimonies are admissible under rule 68(2)(b)

23. The Prior Recorded Testimonies that the Prosecution seeks to introduce into evidence, pursuant to rule 68(2)(b) of the Rules, are relevant, reliable and probative.⁵¹

24. All Four Witnesses have signed their Prior Recorded Testimonies, attesting that their testimony was read back to them, was given voluntarily and their contents were true to the best of their recollection of the events.⁵² These Prior Recorded Testimonies also bear the interpreters' signature, certifying that each witness appeared to have heard and understood the translation.⁵³ The Prior Recorded Testimonies of all Four witnesses are internally consistent.⁵⁴

⁴⁶ [REDACTED].

⁴⁷ [REDACTED].

⁴⁸ [REDACTED].

⁴⁹ [REDACTED].

⁵⁰ [REDACTED].

⁵¹ *Gbagbo and Blé Goudé*, rule 68 decision, para. 22.

⁵² [REDACTED].

⁵³ [REDACTED].

⁵⁴ *Ntaganda*, Decision on Prosecution application for admission of prior recorded testimony of Witnesses P-0020, P-0057 and P-0932 under Rule 58(2)(b), TC VI, 18 January 2017, [ICC-01/04-02/06-1730-Red](#), para. 13; *Ongwen*, rule 68 (2)(b) decision, paras. 17-19; *Gbagbo & Blé Goudé*, Judgment on the appeals of Mr Laurent Gbagbo and Mr Charles Blé Goudé against the decision of Trial Chamber I of 9 June 2016 entitled "Decision on the Prosecutor's application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)", AC, 1 November 2016, [ICC-02/11-01/15-744 OA 8](#), para. 3.

Accordingly, the Prior Recorded Testimonies have the necessary indicia of reliability for introduction into evidence.

C. The Prior Recorded Testimonies of the Four Witnesses are cumulative and corroborative of evidence to be provided by viva voce witnesses

25. The Prior Recorded Testimonies of the Four Witnesses on the contextual elements of war crime and crimes against humanity are cumulative in nature and are corroborative of other evidence,⁵⁵ as described in the following paragraphs.

26. The Prior Recorded Testimonies of the Four Witnesses on the contextual elements of war crimes are corroborative of, and cumulative to, the evidence to be provided by, in particular, witnesses [REDACTED],⁵⁶ [REDACTED],⁵⁷ [REDACTED],⁵⁸ [REDACTED],⁵⁹ [REDACTED],⁶⁰ [REDACTED],⁶¹ [REDACTED],⁶² [REDACTED],⁶³ [REDACTED],⁶⁴ and [REDACTED].⁶⁵

27. In addition, P-0013's and P-0034's evidence on the contextual elements of crimes against humanity is corroborative of, and cumulative to, the evidence to be provided by, in particular, witnesses [REDACTED],⁶⁶ [REDACTED],⁶⁷ [REDACTED],⁶⁸ [REDACTED],⁶⁹ [REDACTED],⁷⁰ [REDACTED],⁷¹ [REDACTED],⁷² [REDACTED],⁷³ and [REDACTED].⁷⁴

⁵⁵ See Bemba Rule 68 AD, para. 78.

⁵⁶ [REDACTED].

⁵⁷ [REDACTED].

⁵⁸ [REDACTED].

⁵⁹ [REDACTED].

⁶⁰ [REDACTED].

⁶¹ [REDACTED].

⁶² [REDACTED].

⁶³ [REDACTED].

⁶⁴ [REDACTED].

⁶⁵ [REDACTED].

⁶⁶ [REDACTED].

⁶⁷ [REDACTED].

⁶⁸ [REDACTED].

⁶⁹ [REDACTED].

⁷⁰ [REDACTED].

⁷¹ [REDACTED].

⁷² [REDACTED].

⁷³ [REDACTED]62.

⁷⁴ P-[REDACTED].

D. The introduction of the Prior Recorded Testimonies of the Four Witnesses is not prejudicial to or inconsistent with the rights of the Accused

28. The Defence was consulted on the Prosecution's application for the admission into evidence of the Prior Recorded Testimonies of the Four Witnesses, pursuant to rule 68(2)(b). The Defence opposes the use of rule 68(2)(b) for all Four witnesses.⁷⁵

29. The introduction of the Prior Recorded Testimonies of the Four Witnesses into evidence would not be prejudicial to or inconsistent with the rights of Mr Abd-Al-Rahman, given the limited nature of the testimony of each witness relating to the contextual elements of war crimes and crimes against humanity, which are issues not materially in dispute between the parties,⁷⁶ as is evident from the facts agreed upon by the Parties.⁷⁷ Furthermore, the Defence retains the possibility to cross-examine other *viva voce* witnesses on the basis of information contained in the Prior Recorded Testimonies, lead contradictory evidence during the Defence case, or – to the extent that discrepancies exist with any other evidence – advance arguments on the weight to be attributed to the Prior Recorded Testimonies.

E. Request to designate the Legal Counsel of the Registry or any appropriate person delegated by him to witness the declarations required under rule 68(2)(b)(ii) and to authorize remote certifications due to the current challenges imposed by the ongoing COVID-19 pandemic

30. Prior recorded testimony may only be introduced under rule 68(2)(b) if the testifying person declares that it is true and correct through the formalities specified in sub-rules (ii) and (iii). In order to satisfy these requirements, the Prosecution requests that the Chamber designate Registry Legal Counsel, or any appropriate person delegated by him, as the person authorised to witness declarations required pursuant to rule 68(2)(b)(ii) and (iii) for the purpose of this case, and authorize remote certifications due to the current challenges imposed by the ongoing COVID-19 pandemic.⁷⁸

⁷⁵ See [REDACTED].

⁷⁶ Bemba Rule 68 AD, para. 78.

⁷⁷ Agreed Facts 1-6 and 11, [Annex A to First Joint Submission on Agreed Facts, ICC-02/05-01/20-291-Anx A](#).

⁷⁸ *Al Hassan*, rule 68(2)(b) decision, para. 18.

V. CONCLUSION

31. For the foregoing reasons, the Prosecution requests that the Chamber grant the Application subject to the fulfilment of the further conditions of rule 68(2)(b) of the Rules.



Karim A.A. Khan, QC

Prosecutor

Dated this 31st day of January 2022

At The Hague, The Netherlands