

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/14**
Date: **29 July 2022**

PRE-TRIAL CHAMBER II

Before: Judge Antoine Kesia-Mbe Mindua
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

Public

with Under Seal, *EX PARTE*, only available to the Prosecution and Registry

Annex 1

Public Redacted Version of “Prosecution’s Request to unseal Warrant ICC-01/14-41-US-Exp and request for redactions to the Warrant”, ICC-01/14-163-US-Exp, dated 22 July 2022

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 QC

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Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Prosecution requests the Pre-Trial Chamber to unseal the warrant of arrest issued on 7 January 2019 for Mahamat Nouradine Adam (“Mr ADAM”)¹ and issue a public redacted version as proposed in Annex 1.

II. CONFIDENTIALITY

2. This Request is submitted Under Seal, *EX PARTE* in accordance with regulation 23bis(1) of the Regulations of the Court (“Regulations”) because it refers to information and an order with the same classification.

III. SUBMISSIONS

A. The under seal classification is no longer necessary

3. On 7 January 2019, the Chamber issued the warrant of arrest against Mr ADAM.² The Prosecution requests that the warrant be made public because the basis for the under seal classification no longer exists. Despite consultations between the Registry, Prosecution and national authorities, including the competent authorities of the [REDACTED] over the past three years, Mr ADAM’s arrest and surrender to the Court have not been achieved.

4. The Registry, through the Suspects At Large Working Group, has been consulted by the Prosecution on the merits of unsealing the warrant of arrest and indicated they have no objection for the warrant being unsealed. [REDACTED]³, [REDACTED]⁴,

¹ [REDACTED].

² *Ibid.*

³ [REDACTED].

⁴ [REDACTED].

[REDACTED]⁵, [REDACTED].⁶ The reports presented the arguments in favour of the publicity of the warrant of arrest of Mr Adam.

5. On 21 July 2022, the Prosecution informed the [REDACTED] CAR of the planned Request to unseal the warrant of arrest for Mr ADAM. [REDACTED]. Against this background, the under seal classification for the warrant of arrest is no longer necessary to facilitate the arrest and surrender of Mr ADAM.

6. At this stage, reclassifying the warrant of arrest as public may facilitate his arrest and surrender as all states will then be aware of its existence. [REDACTED].

B. Certain redactions remain necessary to protect witnesses, ongoing investigations and search and seizure operations

7. On 11 January 2019, the Prosecution proposed specific redactions to be applied at the time the warrant becomes public.⁷ The Prosecution has revisited its previous submissions and reassessed previously proposed redactions against the backdrop of the status of its investigations and the arrest of Mahamat Said Abdel Kani. Upon this review, the Prosecution proposes a lesser redacted version of the warrant in the event it is made public.

8. The Prosecution is of the view that issuing a public redacted version of the warrant of arrest can protect ongoing investigations and will prevent any adverse effects to the protection of victims and witnesses, so far as certain narrowly tailored but important redactions are in place as proposed in Annex 1.

⁵ [REDACTED].

⁶ [REDACTED].

⁷ [REDACTED].

IV. RELIEF SOUGHT

9. For the reasons set out above, the Prosecution requests that the warrant for Mr ADAM be unsealed and publicised with proposed redactions applied in Annex 1.

A handwritten signature in blue ink, consisting of a stylized initial 'K' followed by a long horizontal line that ends in a small dot.

Karim A. A. Khan QC, Prosecutor

Dated this 29th day of July 2022
At The Hague, The Netherlands