

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **French**

No.: **ICC-01/12-01/18**
Date: **30 November 2018**

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Single Judge

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
*THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED
AG MAHMOUD***

Public Document

With Confidential Annex A

**Twenty-second Communication of the Office of the Prosecutor on the Disclosure
of Incriminatory Evidence**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Mr Yasser Hassan

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Office of the Prosecutor, acting in conformity with rule 121(2)(c) of the Rules of Procedure and Evidence, hereby communicates the incriminatory evidence disclosed pursuant to articles 61(3)(b) and 67(1)(a) and (b) of the Rome Statute.

Observations

2. Today, Friday, 30 November 2018, the Office of the Prosecutor disclosed to the Defence *Pre-Confirmation INCRIM package No. 22* containing 569 pieces of incriminatory evidence.

3. Essentially, these are the statements of the two witnesses and, as in *Pre-Confirmation INCRIM package No. 21*, photographs taken at various locations of interest in Timbuktu¹ and used to create 360-degree panoramic images that will be communicated as soon as possible.

4. There are redactions in the metadata of 19 of the documents in this package.² In redacting the metadata, the Office of the Prosecutor acted in accordance with the Single Judge's decisions of 16 May 2018³ and 16 November 2018.⁴

5. As a result, with respect to the metadata:

- Code A.4 was used for the documents numbered 1-18 and 569; and
- Code F was used for the documents numbered 1-12, 14-18 and 569.

6. The redaction codes and pseudonyms applied appear directly in the relevant metadata.

7. The following redaction codes were used for the content of the documents:

- Code A.1 was used for the documents numbered 1, 14 and 16;
- Codes A.2.2 and A.2.4 were used for the document numbered 1;

¹ Report MLI-OTP-0063-0037, p. 0049, communicated on 18 October 2018.

² The documents numbered 1-18 and 569.

³ ICC-01/12-01/18-31-tENG-Corr.

⁴ ICC-01/12-01/18-184-Conf-Exp-Red-tENG.

- Code A.2.6 was used for the document numbered 18;
- Code A.3.2 was used for the documents numbered 14, 16 and 17;
- Code A.3.4 was used for the document numbered 14;
- Code A.4 was used for the documents numbered 1, 13, 14, 16-18 and 569;
- Code A.6.1 was used for the documents numbered 1 and 14;
- Codes A.8, D and E were used for the document numbered 18 (Code A.8 was used for dates that could reveal the movement of witnesses and thereby indirectly cause them to be identified);
- Code B.2 was used for the document numbered 14;
- Code B.3 was used for the document numbered 14; and
- Code F was used for the documents numbered 1, 2, 13, 14, 16-18 and 569.

8. The codes applied to the content of documents are listed in the table in Annex A (in the right-hand column entitled: *ICC-01/12-01/18 Redactions applied to the content of the document*). The *Pseudonym* field in *E-court* contains the pseudonyms used.

9. These redactions do not hinder the Defence's ability to properly acquaint itself with the relevant documents and properly examine the photographs in question.

10. The Office of the Prosecutor files Annex A as confidential since it relates to an *inter partes* process between the Office of the Prosecutor and the Defence.

[signed]

Fatou Bensouda, Prosecutor

Dated this 30 November 2018

At The Hague, Netherlands