



Original: English

**No. ICC-02/05-01/20
Date: 7 November 2022**

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

**Decision on the Prosecution's sixth, seventh and eighth applications to introduce
prior recorded testimonies under Rule 68(2)(b)**

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

The Office of the Prosecutor

Karim A.A. Khan
Nazhat Shameem Khan
Julian Nicholls

Counsel for the Defence

Cyril Laucci
Iain Edwards

Legal Representatives of Victims

Natalie von Wistinghausen
Anand Shah

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Thomas Henquet

I. Procedural history

1. The Chamber notes that it previously authorised the introduction of the prior recorded testimonies of the nine witnesses concerned by the present decision via Rule 68(3) of the Rules of Procedure and Evidence (the ‘Rules’).¹
2. On 18 October 2022, the Prosecution filed its sixth application to introduce the prior recorded testimonies of witnesses P-0008, P-0028, P-0041 and P-0675 under Rule 68(2)(b) of the Rules (the ‘Sixth Rule 68(2)(b) Application’).²
3. On 21 October 2022, the Prosecution filed its seventh application to introduce the prior recorded testimonies of witnesses P-0607, P-0617 and P-0725 under Rule 68(2)(b) of the Rules (the ‘Seventh Rule 68(2)(b) Application’).³
4. On 24 October 2022, the Prosecution filed its eighth application to introduce the prior recorded testimonies of witnesses P-0757 and P-0917 under Rule 68(2)(b) of the Rules (the ‘Eighth Rule 68(2)(b) Application’).⁴

¹ First Decision on the Prosecution’s request to introduce prior recorded testimonies under Rule 68(3), 20 January 2022, ICC-02/05-01/20-559-Conf (hereinafter: ‘First Rule 68(3) Decision’). A public redacted version was notified on the same day, ICC-02/05-01/20-559-Red; Decision on the Prosecution’s second and third requests to introduce prior recorded testimonies under Rule 68(3), 8 February 2022, ICC-02/05-01/20-588-Conf. A public redacted version was notified on the same day, ICC-02/05-01/20-588-Red; Decision on the Prosecution’s fourth and fifth request to introduce prior recorded testimonies under Rule 68(3), 21 February 2022, ICC-02/05-01/20-602-Conf. A public redacted version was notified on the same day, ICC-02/05-01/20-602-Red; Decision on the Prosecution’s sixth request to introduce prior recorded testimonies under Rule 68(3), 16 March 2022, ICC-02/05-01/20-630-Conf. A public redacted version was notified on the same day, ICC-02/05-01/20-630-Red; Seventh Decision on Prosecution’s applications to introduce prior recorded testimonies under Rule 68(3), 29 March 2022, ICC-02/05-01/20-651-Conf. A public redacted version was notified on the same day, ICC-02/05-01/20-651-Red; Decision on the Prosecution’s twelfth application to introduce prior recorded testimonies under Rule 68(3), 12 July 2022, ICC-02/05-01/20-711-Conf. A public redacted version was notified on the same day, ICC-02/05-01/20-711-Red.

² Prosecution’s sixth application under rule 68(2)(b) to introduce into evidence prior recorded testimony of witnesses P-0008, P-0028, P-0041 and P-0675, ICC-02/05-01/20-771-Conf with confidential Annex A. Pursuant to the Chamber’s order (see email of 27 October 2022, at 16:45), the document was reclassified as ‘Public’, ICC-02/05-01/20-771.

³ Prosecution’s seventh application under rule 68(2)(b) to introduce into evidence prior recorded testimony of witnesses P-0607, P-0617 and P-0725, ICC-02/05-01/20-773-Conf with confidential Annex A. A public redacted version was filed on the same day.

⁴ Prosecution’s eighth application under rule 68(2)(b) to introduce into evidence prior recorded testimony of witnesses P-0757 and P-0917, ICC-02/05-01/20-776-Conf with confidential Annex A. A public redacted version was filed on the same day, ICC-02/05-01/20-776-Red.

5. On 26 October 2022, the Prosecution, by way of email, submitted additional information in relation to the Sixth and Eighth Rule 68(2)(b) Applications.⁵

6. On 27 October 2022, the Defence filed its consolidated response to the Prosecution's Sixth, Seventh and Eighth Rule 68(2)(b) Applications (the 'Response').⁶

II. Analysis

A. General framework

7. The Chamber incorporates by reference the general framework applicable to the assessment of applications for introduction of prior recorded statements pursuant to Rule 68(2)(b) of the Rules.⁷

8. The Chamber further notes that the Appeals Chamber has recently determined that the presence of testimony going to proof of acts and conduct of the accused does not *per se* render a written statement inadmissible under Rule 68(2)(b) Rules and that parts of the statement that relate to proof of a matter other than acts and conduct of the accused can still be admitted.⁸ The Appeals Chamber further concluded that even when references to the accused are more than 'incidental', statements can still be admitted under Rule 68(2)(b) of the Rules when 'reference is not of significance to the case or is, in any event, of limited importance and does not constitute the core of the prior recorded testimony'.⁹ The Appeals Chamber also established that '[t]he ultimate decision as to the appropriateness of admitting only parts of a statement is discretionary and depends upon the circumstances before the chamber'.¹⁰

B. Prior recorded statements

⁵ See e-mail of 26 October 2022 at 12:57.

⁶ Defence consolidated response to Prosecution's sixth, seventh and eighth applications under rule 68(2)(b), ICC-02/05-01/20-792-Conf.

⁷ First Rule 68(2)(b) Decision, ICC-02/05-01/20-612-Conf, paras 11-19.

⁸ Appeals Chamber, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Judgment on the appeal of the Prosecution against Trial Chamber X's "Decision on second Prosecution request for the introduction of P-0113's evidence pursuant to Rule 68(2)(b) of the Rules", 13 May 2022, ICC-01/12-01/18-2222 (OA4) (hereinafter: '*Al Hassan Rule 68(2)(b) Appeals Judgment*'), para. 49.

⁹ *Al Hassan Rule 68(2)(b) Appeals Judgment*, ICC-01/12-01/18-2222 (OA4), para.50.

¹⁰ *Al Hassan Rule 68(2)(b) Appeals Judgment*, ICC-01/12-01/18-2222 (OA4), para. 51.

9. The Prosecution seeks the introduction into evidence of the prior recorded statements of nine witnesses, namely P-0008, P-0028, P-0041, P-0675, P-0607, P-0617, P-0725, P-0757 and P-0917.¹¹

10. In addition to their written statements, the Prosecution seeks the submission of associated material: in respect of P-0028, a map, a list and its English translation;¹² in respect of P-0041, four photographs, a sketch and its translation, a map, an identity document, a list and its translation, and an investigation report;¹³ in respect of P-0675, a witness consent form and fifteen satellite images;¹⁴ in respect of P-0607, two sketches, one map, and their corresponding translations;¹⁵ in respect of P-0617, five sketches and their corresponding translations;¹⁶ in respect of P-0725, two lists, two sketches and the English translation of these sketches;¹⁷ and in respect of P-0757, three sketches, two lists and two translations.¹⁸

11. The Chamber notes that the prior recorded statements of P-0008, P-0028, P-0041, P-0675, P-0607, P-0617, P-0725, P-0757 and P-0917 refer, in some instances, to the acts and conducts of the accused. This is acknowledged by the Prosecution.¹⁹ The

¹¹ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 1 *referring* to the statement of P-0008 (DAR-OTP-0088-0085); Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 1 *referring* to the statement of P-0028 (DAR-OTP-0094-0423); Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 1 *referring* to the statement of P-0041 (DAR-OTP-0096-0002-R01 and DAR-OTP-0206-0033-R02); Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 1 *referring* to the statement of P-0675 (DAR-OTP-0206-0173-R02); Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773, para. 1 *referring* to the statement of P-0607 (DAR-OTP-0203-0164-R02); Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773, para. 1 *referring* to the statement of P-0617 (DAR-OTP-0202-1496-R02); Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773, para. 1 *referring* to the statement of P-0725 (DAR-OTP-0210-0122-R02); Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776, para. 1 *referring* to the statement of P-0757 (DAR-OTP-0211-0003) and; Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776, para. 1 *referring* to the statement of P-0917 (DAR-OTP-0217-0071).

¹² Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 1 and Annex A – A2, II.

¹³ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 1 and Annex A – A3, II.

¹⁴ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 1 and Annex A – A4, II.

¹⁵ Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773-Conf, paras. 1, 8 and Annex A – A1, II.

¹⁶ Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773-Conf, paras. 1, 8 and Annex A – A2, II.

¹⁷ Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773-Conf, paras. 1, 8 and Annex A – A3, II.

¹⁸ Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, paras. 1, 9 and Annex A – A1, II.

¹⁹ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, paras. 10, 12, 14 and 16; Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773-Conf, paras. 11, 14 and 17, and Annex A – A1, I, Annex A – A2, I, Annex A – A3, I; Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, paras. 11 and 15; email from Prosecution on 26 October 2022 at 12:57. The following portions of the prior recorded testimonies are concerned: P-0008, DAR-OTP-0088-0085, paragraphs 17, 26, 35, 37, 41-43, 45 and at paragraph 47 the words [REDACTED]; P-0028, DAR-OTP-0094-0423, paragraphs 33, 35-37, 40, 42, 51, 59, 62, 66-68; P-0041, DAR-OTP-0096-0002, paragraph 13 and DAR-OTP-0206-0033, paragraphs 23-24, 26, 52 and 79; P-0675, DAR-OTP-0206-0173, paragraphs 46-48, 100, 104, 106, 108, 121, 124 and 136; P-0607, DAR-OTP-0203-0164, paragraphs 47, 49-50, 57, 60, at paragraph 48 the words [REDACTED], at paragraph 52 the [REDACTED] [REDACTED] and at paragraph 55 the words [REDACTED]; P-0617, DAR-OTP-0202-1496, paragraphs 82-83, 96-98, at paragraph 60 the words

Prosecution avers, that it will not rely on the passages that ‘go to the acts and conducts of the Accused’ or to ‘the identity of the Accused, which is an issue materially in dispute between the parties’.²⁰ In line with the applicable general framework, the Chamber will not consider these references to establish the acts and conduct of the accused for the purpose of its Article 74 judgment.

12. In light of the above undertaking by the Prosecution, the Defence does not oppose the requests.²¹

13. The Chamber also notes that P-0008, P-0028, P-0041, P-0675, P-0607, P-0617, P-0725, P-0757 and P-0917 are all crime-base witnesses, who, may be more appropriately introduced via Rule 68(2)(b), than for example, insider witnesses who have knowledge of the accused.²²

14. The Chamber further notes the Prosecution’s submission that the testimonies of P-0008, P-0028, P-0041 and P-0675 are corroborative of and cumulative to evidence provided or to be provided by *viva voce* witnesses on the contextual elements of crimes against humanity²³ and on the following allegations in relation to Mukjar: on the preparation to and participation in the Sindu operation,²⁴ on the subsequent displacement of people to Mukjar,²⁵ on the arrest of Fur males in Mukjar in checkpoints and house-to-house searches and their detention at the Mukjar police station,²⁶ on the execution of detainees,²⁷ P-0028’s evidence on crimes committed by Militia/Janjaweed

[REDACTED], at paragraph 81 the words [REDACTED], and at paragraph 84 the words [REDACTED] from paragraph 87 the word [REDACTED] and at paragraph 90 the words [REDACTED]; P-0725, DAR-OTP-0210-0122, paragraph 97; P-0757, DAR-OTP-0211-0003 paragraphs 66-69, 73-74, at paragraph 70 the words [REDACTED], at paragraph 71 the words [REDACTED], at paragraph 75, the words [REDACTED] and the words [REDACTED] at paragraph 79 the words [REDACTED], and the heading [REDACTED] above paragraph 66; P-0917, DAR-OTP-0217-0071, paragraphs 51, 55-57, 59-61, 63, at paragraph 15 the words [REDACTED], and the heading [REDACTED] above paragraph 51.

²⁰ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 24. See Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773-Conf, para. 21; Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 21.

²¹ Response, ICC-02/05-01/20-792-Conf, paras. 3, 5.

²² *Al Hassan* Rule 68(2)(b) Appeals Judgment, ICC-01/12-01/18-2222, para. 55.

²³ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 23 referring to P-0547, P-0643, P-0769, P-0878, P-0884, P-0903, P-0905, P-0921, P-0935, P-0984 and P-1021.

²⁴ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 19 referring to P-0877, P-0885, P-0903, P-0905, P-0919, P-0931, P-0979 and P-0990.

²⁵ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 19 referring to P-0877, P-0885, P-0903, P-0905, P-0919 and P-0990.

²⁶ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 19 referring to P-0029, P-0877, P-0885, P-0903, P-0905, P-0919, P-0931, P-0979, P-0984, P-0990 and P-1040.

²⁷ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 19 referring to P-0877, P-0885, P-0903, P-0905, P-0919, P-0931, P-0984, P-0990 and P-1040.

during attacks on Mukjar and surrounding areas in August 2003 and the subsequent detention and arrest of displaced persons in Mukjar at the same period,²⁸ P-0008's evidence on a meeting of high-ranking officials of the Sudanese government in Mukjar in August 2008,²⁹ P-0041's evidence on a rebel attack on Mukjar police station in August 2003.³⁰ The Chamber also observes the Prosecution's submission on the cumulative or corroborative nature of P-0917's and P-0757's evidence in relation to the following allegations: P-0917's evidence in relation to the persecution of men and boys in Mukjar in August 2003,³¹ P-0757's evidence on the preparation to and participation in the Sindu operation,³² P-0757's evidence on the subsequent displacement of people to Mukjar,³³ P-0757's evidence on the arrest of Fur males in Mukjar in checkpoints and house-to-house searches and their detention at the Mukjar police station,³⁴ and P-0757's evidence on the execution of detainees.³⁵

15. The Chamber further notes the Prosecution's submission that the testimonies of P-0607, P-0617 and P-0725 are corroborative of and cumulative to evidence provided or to be provided by *viva voce* witnesses on the following allegations in relation to Deleig: the search of Deleig and arrest of Fur males displaced to Deleig from the surrounding areas between about 5 and about 7 March 2004,³⁶ the detention and mistreatment of male Fur civilians in the open area near the Deleig police station on or about 5 March 2004,³⁷ the loading of detainees onto vehicles (which drove out of Deleig and returned empty) and the repeating of this process multiple times on or about 5

²⁸ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 20 *referring to* P-0878, P-0913, P-0917, P-0918 and P-0922.

²⁹ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 21 *referring to* P-0878 and P-0874.

³⁰ Sixth Rule 68(2)(b) Application, ICC-02/05-01/20-771, para. 22 *referring to* P-0878, P-0874 and P-1021.

³¹ Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 19 *referring to* P-0188, P-0878 and P-0984.

³² Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 20 *referring to* P-0877, P-0885, P-0903, P-0905, P-0919, P-0931 and P-0990.

³³ Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 20 *referring to* P-0877, P-0885, P-0903, P-0905, P-0919 and P-0990.

³⁴ Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 20 *referring to* P-0029, P-0877, P-0885, P-0903, P-0905, P-0919, P-0931, P-0984 and P-0990.

³⁵ Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 20 *referring to* P-0877, P-0885, P-0903, P-0905, P-0919, P-0931, P-0984 and P-0990.

³⁶ Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773-Conf, para. 20, fn. 47 *referring to* P-0907, P-0973, P-0987 and P-0994.

³⁷ Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773, para. 20, fn. 48 *referring to* P-0905, P-0907, P-0931, P-0973, P-0987 and P-0994.

March 2004,³⁸ the survival of several persons who were taken to execution sites,³⁹ the sighting of a group of community leaders in Deleig in a convoy in Deleig on or about 7 March 2004 and their subsequent killing.⁴⁰

16. The Chamber also observes the Prosecution's submissions that the testimonies of P-0757 and P-0917 are corroborative of and cumulative to evidence provided or to be provided by *viva voce* witnesses on the following allegations in relation to the attack on Kodoom, Bindisi and surrounding areas: the intentional targeting and murder of civilians, in particular in Bindisi,⁴¹ rape,⁴² the pillaging of goods,⁴³ the destruction and burning of civilian property,⁴⁴ and the forcible transfer of civilians.⁴⁵

17. The Chamber notes that the witnesses' statements are signed by the witnesses and the interpreter who assisted them during the interview. In their statements, the witnesses also acknowledge the use of the associated material to be introduced together with the statement and confirm that their testimony is provided voluntarily.⁴⁶

18. The Chamber notes the Defence's submission that its position should 'in no way be taken to amount to an admission of the truth of all or part of the nine witnesses' statements and associated material' and that it 'reserves the right to make full submissions on the credibility and reliability of the prior recorded testimonies at the

³⁸ Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773-Conf, para. 20, fn. 49 referring to P-0905, P-0907, P-0973, P-0987 and P-0994.

³⁹ Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773-Conf, para. 20, fn. 50 clarifying that 'The evidence of the P-0725 is corroborative of, and cumulative to, the evidence of *viva voce* witnesses, including P-0907 and P-0987'.

⁴⁰ Seventh Rule 68(2)(b) Application, ICC-02/05-01/20-773-Conf, para. 20, fn. 51 clarifying that 'The evidence of P-0725 is corroborative of, and cumulative to, the evidence of *viva voce* witnesses, including P-0643, P-0907, P-0973, P-0987 and P-0994.'

⁴¹ Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 18 referring to P-0011, P-0029, P-0874 and P-0878.

⁴² Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 18 referring to P-0011, P-0878 and P-0921.

⁴³ Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 18 referring to P-0029, P-0874, P-0878 and P-1021.

⁴⁴ Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 18 referring to P-0029, P-0874, P-0878 and P-1021.

⁴⁵ Eighth Rule 68(2)(b) Application, ICC-02/05-01/20-776-Conf, para. 18 referring to P-0011, P-0029, P-0874, P-0878 and P-1021.

⁴⁶ P-0008, DAR-OTP-0088-0085-R02 at 0100-0101; P-0028, DAR-OTP-0094-0423 at 0444; P-0041, DAR-OTP-0206-0033 at 0055-0056 and DAR-OTP-0096-0002 at 0007; P-0675, DAR-OTP-0206-0173 at 0214-0215; P-0607, DAR-OTP-0203-0164 at 0185-0186; P-0617, DAR-OTP-0202-1496 at 1535-1536; P-0725, DAR-OTP-0210-0122 at 0136-0137; P-0757, DAR-OTP-0211-0003 at 0027-0028; P-0917, DAR-OTP-0217-0071 at 0085-0086.

appropriate time'.⁴⁷ In this regard, the Chamber recalls that in line with the Directions on the conduct of proceedings, full consideration of the standard evidentiary criteria for material introduced into evidence, in particular in terms of its relevance and probative value, is deferred to the Chamber's deliberation for its judgment pursuant to Article 74 of the Statute.⁴⁸

19. In light of the above, the Chamber is satisfied that the requirements under Rule 68(2)(b)(i) of the Rules are met and that the introduction of the prior recorded statements of P-0008, P-0028, P-0041, P-0675, P-0607, P-0617, P-0725, P-0757 and P-0917 pursuant to Rule 68(2)(b) of the Rules will not occasion any prejudice to or be inconsistent with the rights of the accused.

20. The Chamber therefore authorises the introduction of the prior recorded testimonies of P-0008, P-0028, P-0041, P-0675, P-0607, P-0617, P-0725, P-0757 and P-0917 as identified in the Sixth, Seventh and Eighth Applications, their corresponding annexes and the Prosecution's additional information email,⁴⁹ pursuant to Rule 68(2)(b) of the Rules. The Chamber's preliminary ruling is subject to the receipt of the declarations as discussed in the First Rule 68(2)(b) Decision.⁵⁰

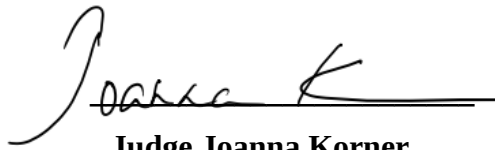
21. The Chamber orders the Registry, upon filing of the aforesaid declarations, to reflect in the eCourt metadata the introduction of the prior recorded testimonies as identified in the present decision.

⁴⁷ Response, ICC-02/05-01/20-792-Conf, para. 4.

⁴⁸ Directions on the conduct of proceedings, ICC-02/05-01/20-478, para. 25.

⁴⁹ The Chamber will not rely on the following portions of the statements in its Article 74 judgment: P-0008, DAR-OTP-0088-0085, paragraphs 17, 26, 35, 37, 41-43, 45 and at paragraph 47 the words [REDACTED]; P-0028, DAR-OTP-0094-0423, paragraphs 33, 35-37, 40, 42, 51, 59, 62, 66-68; P-0041, DAR-OTP-0096-0002, paragraph 13 and DAR-OTP-0206-0033, paragraphs 23-24, 26, 52 and 79; P-0675, DAR-OTP-0206-0173, paragraphs 46-48, 100, 104, 106, 108, 121, 124 and 136; P-0607, DAR-OTP-0203-0164, paragraphs 47, 49-50, 57, 60, at paragraph 48 the words [REDACTED], at paragraph 52 the words [REDACTED] and [REDACTED] and at paragraph 55 the words [REDACTED]; P-0617, DAR-OTP-0202-1496, paragraphs 82-83, 96-98, at paragraph 60 the words [REDACTED], at paragraph 81 the words [REDACTED], and at paragraph 84 the words [REDACTED] from paragraph 87 the word [REDACTED] and at paragraph 90 the words [REDACTED]; P-0725, DAR-OTP-0210-0122, paragraph 97; P-0757, DAR-OTP-0211-0003 paragraphs 66-69, 73-74, at paragraph 70 the words [REDACTED], at paragraph 71 the words [REDACTED], at paragraph 75, the words [REDACTED] and the words [REDACTED] at paragraph 79 the words [REDACTED], and the heading [REDACTED] above paragraph 66; P-0917, DAR-OTP-0217-0071, paragraphs 51, 55-57, 59-61, 63, at paragraph 15 the words [REDACTED], and the heading [REDACTED] above paragraph 51.

⁵⁰ First Rule 68(2)(b) Decision, ICC-02/05-01/20-612-Conf, paras. 17-19.

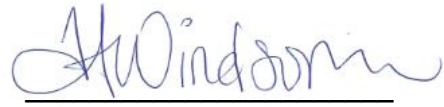


Judge Joanna Korner

Presiding Judge



Judge Reine Alapini-Gansou



Judge Althea Violet Alexis-Windsor

Dated this 7 November 2022

At The Hague, the Netherlands