

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **4 July 2023**

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
with Confidential Annex A**

**Prosecution's notification of the disclosure of evidence between 18 February 2023
and 4 July 2023**

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

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
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Mr Osvaldo Zavala Giler

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Victims and Witnesses Unit

Mr Nigel Verrill

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**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. INTRODUCTION

1. The Prosecution hereby notifies Trial Chamber I (“Chamber”) of the disclosure of evidence pursuant to articles 64(3)(c) and 67(1)(a) and (b) of the Rome Statute, and rules 76(3) and 77 of the Rules of Procedure and Evidence.

II. CLASSIFICATION

2. This filing is classified as public with one confidential annex, comprising the list of evidence disclosed to the Defence. The annex is classified as confidential since it contains confidential information.

III. SUBMISSIONS

3. Between 18 February 2023 and 4 July 2023, the Prosecution disclosed to the Parties and Participants 14 packages of evidence, consisting of 112 items (826 pages):

- Trial INCRIM package 189, containing one item (four pages), related to one witness;¹
- Trial INCRIM package 190, containing three items (three pages);
- Trial Rule 77 package 153, containing 84 items (358 pages), including in relation to one witness;²
- Trial Rule 77 package 154, containing nine items (114 pages), related to eight witnesses;³
- Trial Rule 77 package 155, containing one item (28 pages), related to one witness;⁴

¹ DAR-OTP-P-1049.

² DAR-OTP-P-1092.

³ DAR-OTP-P-0011, DAR-OTP-P-0015, DAR-OTP-P-0671, DAR-OTP-P-0718, DAR-OTP-P-0720, DAR-OTP-P-0955, DAR-OTP-P-1062 and DAR-OTP-P-1073.

⁴ DAR-OTP-P-0867.

- Trial Rule 77 package 156, containing two items (20 pages);
- Trial Rule 77 package 157, containing one item (87 pages), related to one witness;⁵
- Trial Rule 77 package 158, containing four items (40 pages), including in relation to three witnesses;⁶
- Trial Rule 77 package 159, containing one item (one page);
- Trial Rule 77 package 160, containing two items (32 pages), related to two witnesses;⁷
- Trial Rule 77 package 161, containing six items (42 pages);
- Trial Rule 77 package 162, containing one item (29 pages), related to one witness;⁸
- Trial Rule 77 package 163, containing one item (3 pages), related to one witness;⁹ and
- Trial Rule 77 package 164, containing 32 items (174 pages), including in relation to seven witnesses.¹⁰

4. With respect to redactions, the Prosecution applied “standard” redactions to new items pursuant to the procedure for exceptions to disclosure adopted by the Single Judge of Pre-Trial Chamber II on 17 August 2020.¹¹ In accordance with the Chamber’s Practice Manual applicable to the case,¹² A.8 redactions were applied to

⁵ DAR-OTP-P-0756.

⁶ DAR-OTP-P-0007, DAR-OTP-P-0029 and DAR-OTP-P-1074.

⁷ DAR-OTP-P-0725 and DAR-OTP-P-0867.

⁸ DAR-OTP-P-0988.

⁹ DAR-OTP-P-0874.

¹⁰ DAR-OTP-P-0006, DAR-OTP-P-0017, DAR-OTP-P-0033, DAR-OTP-P-0036, DAR-OTP-P-0061, DAR-OTP-P-0082 and DAR-OTP-P-1092.

¹¹ Order on disclosure and related matters, 17 August 2020, [ICC-02/05-01/20-116](#), paras. 12-13.

¹² [Chamber’s Practice Manual](#), 29 November 2019, page 34, item 3.

DAR-OTP-P-1092's witness statements,¹³ on the basis that the information redacted relates to ongoing investigations.



Karim A. A. Khan KC
Prosecutor

Dated this 4th day of July 2023,
At The Hague, The Netherlands

¹³ DAR-OTP-P-1092, [DAR-OTP-00000703-R01](#) at 000007, para. 37 and 000010, para. 53 and 000012-000013, paras. 68, 70-72; DAR-OTP-P-1092, [DAR-OTP-00004338-R01](#) at 000022, paras. 105, 108 and 000024, para. 115 and 000026, para. 125 and 000072, para. 344 and 000075, para. 362 and 000079, para. 379.