



Original : English

N°: ICC-02/05-01/20  
Date: 15 August 2024

**TRIAL CHAMBER I**

**Before:** Judge Joana 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 1 and its Public Redacted Version**

**Registry's Report on Evidence Recognised as Formally Submitted by the Chamber  
for Witness D-0037**

**Source : Registry**

**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  
Ms Nazhat Shameem Khan  
Mr Julian Nicholls

**Counsel for the Defence**

Mr Cyril Laucci  
Mr Iain Edwards

**Legal Representatives of the Victims**

Ms Natalie von Wistinghausen  
Mr Anand Shah

**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  
Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

---

**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. Introduction

1. The Registry submits the present report ("Registry Report") and its two annexes consisting of a confidential version of items recognized as evidence formally submitted and its public redacted version, pursuant to the "Directions on the conduct of proceedings" ("Directions"), issued by Trial Chamber I ("Chamber") on 4 October 2021.<sup>1</sup>

## II. Procedural History

2. On 4 October 2021, the Chamber issued its Directions, in which it directed the Registry to: "[...] *reflect all formally submitted items in the eCourt metadata [...]*", and to "[...] *submit reports for each witness who testifies, indicating which items have been formally submitted by the parties and participants in relation to that witness. The email exchanges [...] are to be annexed to this filing, applying redactions as appropriate*".<sup>2</sup>
3. On 21 May 2024, the Defence called their tenth witness, witness D-0037. After the conclusion of the examination of witness D-0037, the Defence and Prosecution formally submitted items used during the hearings of the said witness, as instructed in the Directions.
4. On 7 June 2024, the Chamber, via filing, issued the "Decision on the submission of evidence through D-0037".<sup>3</sup> Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails in Annex 1 to the present filing.

---

<sup>1</sup> Trial Chamber I, Directions on the conduct of proceedings, ICC-02/05-01/20-478, 4 October 2021.

<sup>2</sup> *Ibid*, para. 31(iv).

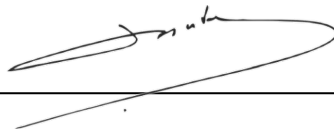
<sup>3</sup> Trial Chamber I, Decision on the submission of evidence through D-0037, ICC-02/05-01/20-1144, 7 June 2024.

### III. Applicable law

5. For the purpose of the present submission, the Registry has considered *inter alia* articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

### IV. Submission

6. The Registry hereby attaches confidential Annex 1:  
**- Annex 1:** "Submission of evidence through D-0037."
7. In order to enable the parties and participants to suggest specific additional redactions to Annex 1, the Registry liaised with the Prosecution, the Defence, and the CLRVs, by email.<sup>4</sup> No redactions were proposed further to those applied pursuant to the Directions.<sup>5</sup>
8. Accordingly, the Registry applied redactions to the emails set forth in the following public redacted version of Annex 1: "Submission of evidence through D-0037."




---

Marc Dubuisson  
 Director, Division of Judicial Services  
 On behalf of Mr Osvaldo Zavala Giler, Registrar

Dated this 15 August 2024

At The Hague, The Netherlands

---

<sup>4</sup> Email sent by the Associate Legal Officer/Courtroom Officer, on 21 June 2024 at 17:34 attaching Annex 1.

<sup>5</sup> The Registry received responses from the Prosecution, CLRV and Defence on 28 June at 12:18, 13:42 and 16:52 respectively.