



Original : English

N°: ICC-02/05-01/20
Date: 09 December 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-0026**

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

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Legal Representatives of the Victims

Ms Natalie von Wistinghausen
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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
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 2021.¹

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*".²
3. On 21 March 2024, the Defence called their seventh witness, witness D-0026. After the conclusion of the examination of witness D-0026, the Defence and Common Legal Representatives of Victims ("CLRV") formally submitted items used during the hearings of the said witness, as instructed in the Directions.
4. On 9 April 2024, the Chamber, via email, issued the decision on items of evidence recognised as formally submitted for witness D-0026.³ Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails in Annex 1 to the present filing.

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

² *Ibid*, para. 31(iv).

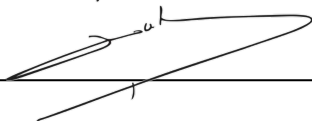
³ Email sent by Trial Chamber I Communications on 9 April 2024 at 16:29.

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:** "Decision on the submission of evidence through D-0026."
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.⁴ No redactions were proposed further to those applied pursuant to the Directions.⁵
8. Accordingly, the Registry applied redactions to the emails set forth in the following public redacted version of Annex 1: "Decision on the submission of evidence through D-0026", dated 9 April 2024 at 16:29.



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

Dated this 09 December 2024

At The Hague, The Netherlands

⁴ Email sent by the Associate Legal Officer/Courtroom Officer, on 23 May 2024 at 16:33 attaching Annex 1, and 16 August 2024 at 17:18 attaching the relevant tables to Annex 1.

⁵ The Registry received a response from the Prosecution on 23 May at 17:21. The LRVs and Defence sent their responses on 28 June 2024 at 14:15 and 18 July 2024 at 15:51 respectively. Responses in relation to the annexed tables were received on 19 August 2024.