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

Date: **2 October 2020**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

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 on 30 September 2020

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

Mr James Stewart

Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci

Legal Representatives of the Victims

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**

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Prosecution submits to the Single Judge Rosario Salvatore Aitala (“Single Judge”), acting for Pre-Trial Chamber II, this notification of the disclosure of evidence pursuant to article 61(3)(b) of the Rome Statute, and rule 77 of the Rules of Procedure and Evidence.

II. CLASSIFICATION

2. This filing is classified as public with confidential Annex A. The Prosecution classifies Annex A as confidential since it relates to *inter partes* disclosure.

III. SUBMISSIONS

3. On 30 September 2020, the Prosecution disclosed to the Defence 2 packages of evidence consisting of 83 items (865 pages):

- Pre-Confirmation INCRIM package 2: contains 62 items (432 pages). Of these items, 38 are related to the Prosecution witnesses;
- Pre-Confirmation Rule 77 package 3: contains 21 items (433 pages).

4. In these packages, the Prosecution formally disclosed to the Defence 8 items seized from Mr. Ali Muhammad Ali Abd-Al-Rahman. The courtesy copy PDFs of these items were already sent to the Defence via e-mail on 16 September 2020.

5. With respect to the applied redactions, they fall under the “standard categories” according to the procedure for exceptions to disclosure in the form of redaction of information adopted by the Single Judge on 17 August 2020.¹



James Stewart
Deputy Prosecutor

Dated this 2nd day of October 2020

At The Hague, The Netherlands

¹ ICC-02/05-01/20-116, para. 12.