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No.: ICC-02/05-01/20
Date: 17 November 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 Annexes A-E**

Prosecution's notification of the disclosure of evidence on 16 November 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 articles 61(3)(b) and 67(2) 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 Annexes A-E. The Prosecution classifies Annexes A-E as confidential since they relate to *inter partes* disclosure.

III. SUBMISSIONS

3. On 16 November 2020, the Prosecution disclosed to the Defence 152 items (1,210 pages). The disclosed items are in the following packages:

- Pre-Confirmation INCRIM package 8: contains 101 items (629 pages);
- Pre-Confirmation INCRIM package 9: contains 12 items (195 pages) including 6 video files;
- Pre-Confirmation INCRIM package 10: contains 12 items (162 pages) including 6 video files;
- Pre-Confirmation Rule 77 package 11: contains 23 items (202 pages) including 7 video files; and
- Pre-Confirmation PEXO package 1: contains 4 items (22 pages) including 2 video files.

4. The Prosecution informs the Single Judge that the items in the Pre-Confirmation INCRIM package 8 are related to 14 Prosecution witnesses whose evidence was cited in the first and/or second arrest warrant applications¹ and/or will be relied upon at the confirmation of charges hearing. The Prosecution also disclosed the remaining 21

¹ ICC-02/05-56 and ICC-02/05-01/20-6-Red2.

video files which were cited in the first arrest warrant application and the transcripts of such video files.

6. With respect to the applied redactions, they fall under the “standard categories” according to the procedure for exceptions to disclosure, adopted by the Single Judge on 17 August 2020.²

7. In relation to the items DAR-OTP-0088-0060 and DAR-OTP-0088-0262,³ the Prosecution applied redactions under the category B.5 to the name of the displaced persons camp where the respective witness was residing at the time of interview in order to protect other Prosecution witnesses and their family members still residing in that camp.



James Stewart
Deputy Prosecutor

Dated this 17th day of November 2020

At The Hague, The Netherlands

² ICC-02/05-01/20-116, para. 12.

³ These items were disclosed in the Pre-Confirmation INCRIM package 8.