



Original: English

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

Date: 14 April 2021

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Tomoko Akane

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
THE PROSECUTOR *v.*
ALI MUHAMMAD ALI ABD-AL-RAHMAN (“ALI KUSHAYB”)**

**Public
With public Annex A and public Annex B**

Second Joint Prosecution and Defence submission on agreed facts

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

Ms Fatou Bensouda

Mr James Stewart

Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci

Legal Representatives of the Victims

Ms Amal Clooney

Mr Nasser Mohamed Amin Abdalla

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Me Paolina Massidda, Conseil Principal

Me Sarah Pellet, Conseil

**The Office of Public Counsel for the
Defence**

Mr Xavier-Jean Keïta, Conseil Principal

Me Marie O'Leary, Conseil

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

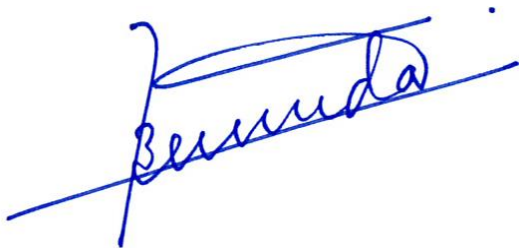
Victims and Witnesses Unit

Detention Section

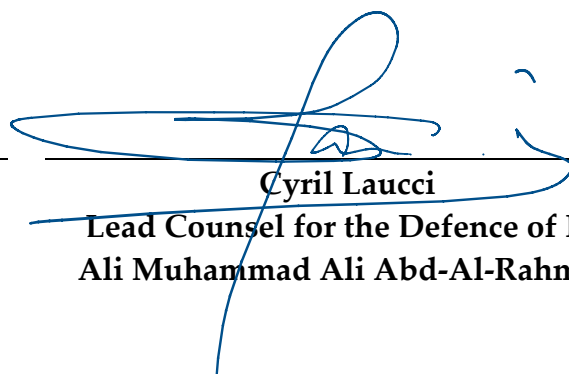
**Victims Participation and Reparations
Section**

Other

1. On 8 December 2020, the Single Judge, acting for Pre-Trial Chamber II (“Chamber”), ordered the Prosecution and the Defence (the “Parties”) to liaise with a view to reaching an agreement as to evidence pursuant to rule 69 of the Rules of Procedure and Evidence (“Order”)¹.
2. Pursuant to the Order, the Prosecution and Defence hereby submit eight facts on which the Parties have agreed. These facts relate to the contextual elements for crimes against humanity. The list of agreed facts is contained in public Annex A.
3. The Parties further submit in public Annex B a map of West Darfur registered as DAR-OTP-0219-3235. This map was proposed by the Office of the Prosecutor and is agreed upon by the Defence, under the caveat that its date – July 2011 – may imply that the administrative boundaries represented therein may not have been exactly the same in 2003-2004. The Parties will continue to seek agreement on additional maps.
4. Pursuant to rule 69 of the Rules of Procedure and Evidence, it is requested that the Chamber consider these agreed facts as proven.
5. The Parties inform the Chamber that they continue to explore other topics for potential agreement. Should any further agreements be reached, the Parties will notify the Chamber and the Legal Representatives of the Victims as requested².



Fatou Bensouda
Prosecutor



Cyril Laucci
Lead Counsel for the Defence of Mr
Ali Muhammad Ali Abd-Al-Rahman

Dated this 14th day of April 2021
At The Hague, The Netherlands

¹ [ICC-02/05-01/20-226](#) (“Order”).

² [ICC-02/05-01/20-267](#).