



Original: English

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

Date: 18 May 2021

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, *EX PARTE*, Prosecution only, Annexes 1 to 4

Prosecution’s submission of items in relation to its request for non-disclosure

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Prosecution submits items DAR-OTP-0124-0715 and DAR-OTP-0118-0768, in accordance with the Single Judge's order of 12 May 2021.¹

II. CONFIDENTIALITY

2. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, Annexes 1 to 4 are filed as confidential, *ex parte*, Prosecution only, since they relate to items for which the Prosecution has requested non-disclosure.

III. PROCEDURAL HISTORY

3. On 12 May 2021, the Single Judge issued the "Decision on the Prosecutor's requests for non-disclosure of witness identities".² The Single Judge ordered the Prosecution to file items DAR-OTP-0124-0715 and DAR-OTP-0118-0768 by no later than 18 May 2021.³

IV. SUBMISSIONS

4. The Prosecution submits video DAR-OTP-0124-0715 as Annex 1. A translation of this video (DAR-OTP-0219-2365) is submitted as Annex 2, with see-through coloured highlights showing the non-standard redactions applied to identifying information under category F. The Prosecution will disclose item DAR-OTP-0219-2365 to the Defence on 18 May 2021.

5. Document DAR-OTP-0118-0768 is submitted as Annex 4, together with its English translation (DAR-OTP-0219-3465).

6. The Prosecution provides the Single Judge with information concerning items DAR-OTP-0124-0715 and DAR-OTP-0118-0768 in Annex 3, to assist in the assessment of these items.

¹ ICC-02/05-01/20-386, para. 35 and p. 16.

² ICC-02/05-01/20-386.

³ ICC-02/05-01/20-386, para. 35 and p. 16.

V. CONCLUSION

7. The Prosecution submits the requested documents and stands ready to provide the Single Judge with any additional information as may be required.



Fatou Bensouda
Prosecutor

Dated this 18th day of May 2021

At The Hague, the Netherlands