



Original: English

No.: ICC-02/05-01/20
Date: 1 September 2021

TRIAL CHAMBER I

Before: Judge Joanna 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**

Prosecution’s notification of disclosure of evidence

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 Karim A. A. Khan QC

Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci

Mr Iain Edwards

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**

Ms Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Prosecution hereby notifies Trial Chamber I (“Chamber”) of the disclosure of evidence pursuant to articles 64(3)(c) and 67(1)(a) and (b) of the Rome Statute, rules 76(3) and 77 of the Rules of Procedure and Evidence (“Rules”).

II. CLASSIFICATION

2. This filing is classified as public with one confidential Annex. The Prosecution classifies the Annex as confidential since it contains a list of evidence that has been disclosed to the Defence and contains confidential information.

III. SUBMISSIONS

3. On 31 August 2021, the Prosecution disclosed to the Defence Pre-Trial INCRIM package 69, consisting of 47 items (221 pages) in total, 17 items are related to Witness DAR-OTP-P-0076 and 29 items to Witness DAR-OTP-P-0118.
4. A revised translation of DAR-OTP-0027-0271 has also been disclosed in Pre-Trial INCRIM package 69: DAR-OTP-0219-3573. The Prosecution previously indicated its intention to rely on the revised translation in footnote 113 of the Pre-Confirmation Brief.¹ This revised translation will replace DAR-OTP-0116-0346 in the Prosecution’s subsequent submissions. Both the original document, DAR-OTP-0027-0271, and the first translation, DAR-OTP-0116-0346, have already been disclosed to the Defence.
5. The Prosecution also disclosed to the Defence Pre-Trial Rule 77 packages 35 and 36 which contain 100 expenses (107 pages) related to certain provisional trial witnesses.
6. With respect to redactions, the Prosecution applied “standard” redactions as stipulated in the procedure for exceptions to disclosure that was adopted in

¹ ICC-02/05-01/20-346-Conf-AnxA, p. 13.

this case by the Single Judge of Pre-Trial Chamber II on 17 August 2020.²
These redactions are minimal and affect neither the substance of the material
nor the ability of the Defence to comprehend it.



Karim A. A. Khan QC
Prosecutor

Dated this 1st day of September 2021

At The Hague, The Netherlands

² *Prosecutor v. Abd-Al-Rahman ("Ali Kushayb")*, Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.