



Original: English

No.: ICC-02/05-01/20
Date: 23 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 A**

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

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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 and 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 Annex A as confidential since it contains a list of evidence that has been disclosed to the Defence and contains confidential information.

III. SUBMISSIONS

3. On 22 September 2021, the Prosecution disclosed to the Defence Pre-Trial INCRIM package 70, containing 40 items (242 pages). Of these, 37 items, including five statements, are related to Witnesses DAR-OTP-P-0032, DAR-OTP-P-0046, DAR-OTP-P-0053 and DAR-OTP-P-0123 which were previously disclosed with redactions applied to the witness identifying information. Given that their identities can now be disclosed, the Prosecution disclosed these items after lifting redactions applied to the witnesses’ identities. The package also contains three newly collected items related to Witnesses DAR-OTP-P-0907, DAR-OTP-P-0919 and DAR-OTP-P-0955. Pre-Trial INCRIM package 71 contains 16 items (47 pages), including one statement, related to Witness DAR-OTP-P-0903.
4. The Prosecution also disclosed to the Defence Pre-Trial Rule 77 package 38 which contains 55 expenses (74 pages) related to certain provisional trial witnesses.
5. Lastly, the Prosecution disclosed to the Defence Pre-Trial Metadata Re-issue package 15, consisting of 25 items (159 pages) after lifting redactions contained

in the Metadata fields and disclosed Pre-Trial Metadata Re-issue package 16, consisting of 316 items (2,782 pages) with the Disclosure Note fields re-issued.

6. With respect to redactions, the Prosecution applied “standard” redactions as stipulated in the procedure for exceptions to disclosure that was adopted in this case by the Single Judge of Pre-Trial Chamber II on 17 August 2020.¹ 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 23rd day of September 2021

At The Hague, The Netherlands

¹ *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.