

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/20
Date: 22 November 2021

TRIAL CHAMBER I

Before: Judge Joana 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 the 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 Natalie von Wistinghausen

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 Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

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.

II. CLASSIFICATION

2. This filing is classified as public with one confidential annex, comprising the list of evidence disclosed to the Defence. This annex is classified as confidential since it contains confidential information.

III. SUBMISSIONS

3. On 19 November 2021, the Prosecution disclosed to the Defence two packages consisting of 54 items (971 pages):
 - Pre-trial INCRIM package 80 contains 36 items (581 pages) and includes material related to 24 witnesses,¹ and Mr Ali Muhammad Ali Abd-al-Rahman (“Ali Kushayb”);²
 - Pre-trial INCRIM package 81 contains 18 items (390 pages) and includes material related to 18 witnesses.³
4. With respect to redactions, the Prosecution re-disclosed items with less redactions and applied “standard” redactions to new items in light of the

¹ These items relate to witnesses: DAR-OTP-P-0017, DAR-OTP-P-0070, DAR-OTP-P-0617, DAR-OTP-P-0651, DAR-OTP-P-0671, DAR-OTP-P-0673, DAR-OTP-P-0675, DAR-OTP-P-0697, DAR-OTP-P-0714, DAR-OTP-P-0717, DAR-OTP-P-0725, DAR-OTP-P-0736, DAR-OTP-P-0756, DAR-OTP-P-0757, DAR-OTP-P-0834, DAR-OTP-P-0850, DAR-OTP-P-0867, DAR-OTP-P-0894, DAR-OTP-P-0895, DAR-OTP-P-0917, DAR-OTP-P-0918, DAR-OTP-P-0935, DAR-OTP-P-0955, and DAR-OTP-P-0980.

² DAR-OTP-0219-7435, DAR-OTP-0219-7443, DAR-OTP-0219-7449 and DAR-OTP-0221-1091.

³ These items relate to witnesses: DAR-OTP-P-0011, DAR-OTP-P-0013, DAR-OTP-P-0015, DAR-OTP-P-0027, DAR-OTP-P-0065, DAR-OTP-P-0070, DAR-OTP-P-0119, DAR-OTP-P-0303, DAR-OTP-P-0651, DAR-OTP-P-0675, DAR-OTP-P-0697, DAR-OTP-P-0714, DAR-OTP-P-0718, DAR-OTP-P-0725, DAR-OTP-P-0895, DAR-OTP-P-0912, DAR-OTP-P-0955 and DAR-OTP-P-0973.

procedure for exceptions to disclosure adopted by the Single Judge of Pre-Trial Chamber II on 17 August 2020.⁴



Karim A. A. Khan QC

Prosecutor

Dated this 22nd day of November 2021,
At The Hague, The Netherlands

⁴ *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.