

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/20
Date: 29 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 rule 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 26 November 2021, the Prosecution disclosed to the Defence four packages of evidence consisting of 215 items (1.666 pages):
 - Pre-Trial INCRIM package 82 contains 67 items (1.139 pages), including material related to 15 witnesses;¹
 - Pre-Trial Rule 77 package 45 contains 26 items (146 pages), including material related to five witnesses;²
 - Pre-Trial Rule 77 package 46 contains 37 items (50 pages), including material related to 22 witnesses;³ and
 - Pre-Trial Metadata Re-issue package 19 contains 85 items (331 pages). In this package, the Prosecution re-issued the following metadata fields: (i) Chain of custody notes; (ii) Source Identity; (iii) ICC-02/05-01/20 Disclosure Notes; and (iv) ICC-02/05-01/20 Pseudonym.

¹ DAR-OTP-P-0082, DAR-OTP-P-0083, DAR-OTP-P-0085, DAR-OTP-P-0091, DAR-OTP-P-0112, DAR-OTP-P-0558, DAR-OTP-P-0671, DAR-OTP-P-0724, DAR-OTP-P-0736, DAR-OTP-P-0785, DAR-OTP-P-0877, DAR-OTP-P-0882, DAR-OTP-P-0895, DAR-OTP-P-0907, and DAR-OTP-P-0986.

² DAR-OTP-P-0085, DAR-OTP-P-0087, DAR-OTP-P-0114, DAR-OTP-P-0785, and DAR-OTP-P-0868.

³ DAR-OTP-P-0020, DAR-OTP-P-0085, DAR-OTP-P-0087, DAR-OTP-P-0118, DAR-OTP-P-0119, DAR-OTP-P-0120, DAR-OTP-P-0129, DAR-OTP-P-0617, DAR-OTP-P-0643, DAR-OTP-P-0877, DAR-OTP-P-0892, DAR-OTP-P-0921, DAR-OTP-P-0922, DAR-OTP-P-0931, DAR-OTP-P-0932, DAR-OTP-P-0954, DAR-OTP-P-0973, DAR-OTP-P-0976, DAR-OTP-P-0980, DAR-OTP-P-0984, DAR-OTP-P-0986, and DAR-OTP-P-0994.

4. With respect to redactions, the Prosecution re-disclosed items with less redactions and applied “standard” redactions to new items in light of the 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 29th 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.