

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/05-01/20**
Date: **21 December 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 the 17 December 2021, the Prosecution disclosed to the Defence two packages of evidence consisting of 62 items (163 pages):
 - Pre-Trial INCRIM package 86, containing 29 items (53 pages), including material related to five witnesses¹ and a CD containing the raw satellite imagery files;² and
 - Pre-Trial Rule 77 package 49, containing 33 items (110 pages), including material related to nine witnesses.³
4. With respect to redactions, the Prosecution re-disclosed items with less redactions and applied “standard” redactions to new items pursuant to the

¹ These witnesses are: DAR-OTP-P-0123, DAR-OTP-P-0756, DAR-OTP-P-0843, and DAR-OTP-P-0922.

² Due to the size and format of the raw satellite imagery files, and the need to disclose associated files required to open and use the imagery, the raw satellite imagery files contained on this CD cannot be registered in Ringtail nor disclosed through e-Court. Selected files have therefore been extracted and disclosed on a physical CD. However, as a reference to the physical disclosure, these files have been registered under DAR-OTP-0135-0002. The Prosecution provided the Defence, the e-Court unit and the Legal Representatives of Victims, each one copy of the CD.

³ These witnesses are: DAR-OTP-P-0009, DAR-OTP-P-0035, DAR-OTP-P-0591, DAR-OTP-P-0717, DAR-OTP-P-0720, DAR-OTP-P-0800, DAR-OTP-P-0883, DAR-OTP-P-0905, and DAR-OTP-P-0924.

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 21st day of December 2021,
At The Hague, The Netherlands

⁴ Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.