

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/20

Date: 4 January 2022

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

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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 31 December 2021, the Prosecution disclosed to the Defence six packages of evidence consisting of 414 items (2.212 pages):
 - Pre-Trial INCRIM package 89, consisting of 58 items (506 pages), including material related to ten witnesses;¹
 - Pre-Trial INCRIM package 90, consisting of 63 items (1.011 pages), including material related to 35 witnesses;²
 - Pre-Trial INCRIM package 91, consisting of 111 items (336 pages), including material related to 35 witnesses;³

¹ DAR-OTP-P-0027, DAR-OTP-P-0129, DAR-OTP-P-0547, DAR-OTP-P-0717, DAR-OTP-P-0885, DAR-OTP-P-0905, DAR-OTP-P-0913, DAR-OTP-P-0921, DAR-OTP-P-0990, and DAR-OTP-P-0991.

² DAR-OTP-P-0015, DAR-OTP-P-0016, DAR-OTP-P-0034, DAR-OTP-P-0044, DAR-OTP-P-0092, DAR-OTP-P-0103, DAR-OTP-P-0106, DAR-OTP-P-0112, DAR-OTP-P-0188, DAR-OTP-P-0547, DAR-OTP-P-0592, DAR-OTP-P-0606, DAR-OTP-P-0657, DAR-OTP-P-0673, DAR-OTP-P-0675, DAR-OTP-P-0726, DAR-OTP-P-0736, DAR-OTP-P-0757, DAR-OTP-P-0769, DAR-OTP-P-0769, DAR-OTP-P-0834, DAR-OTP-P-0877, DAR-OTP-P-0878, DAR-OTP-P-0883, DAR-OTP-P-0892, DAR-OTP-P-0918, DAR-OTP-P-0922, DAR-OTP-P-0927, DAR-OTP-P-0954, DAR-OTP-P-0955, DAR-OTP-P-0976, DAR-OTP-P-0980, DAR-OTP-P-0984, DAR-OTP-P-0992, and DAR-OTP-P-0994.

³ DAR-OTP-P-0007, DAR-OTP-P-0032, DAR-OTP-P-0061, DAR-OTP-P-0087, DAR-OTP-P-0112, DAR-OTP-P-0114, DAR-OTP-P-0116, DAR-OTP-P-0119, DAR-OTP-P-0120, DAR-OTP-P-0303, DAR-OTP-P-0366, DAR-OTP-P-0547, DAR-OTP-P-0558, DAR-OTP-P-0584, DAR-OTP-P-0585, DAR-OTP-P-0607, DAR-OTP-P-0617, DAR-OTP-P-0671, DAR-OTP-P-0714, DAR-OTP-P-0718, DAR-OTP-P-0724, DAR-OTP-P-0725, DAR-OTP-P-0726, DAR-OTP-P-0769, DAR-OTP-P-0885, DAR-OTP-P-0912, DAR-OTP-P-

- Pre-Trial INCRIM package 92, consisting of 137 items (141 pages), including material related to the biometric examination of Mr Abd-al-Rahman;
 - Pre-Trial Rule 77 package 52, consisting of 5 items (81 pages), including material related to three witnesses;⁴ and
 - Pre-Trial Rule 77 package 53, consisting of 40 items (137 pages), including material related to witness DAR-OTP-P-1042.
4. With concern to redactions, the Prosecution has applied identity redactions under code F to items related to witnesses DAR-OTP-P-0188 and DAR-OTP-P-0885.⁵ These witnesses are subject to delayed disclosure.⁶ The Prosecution also applied “standard” redactions, in light of the procedure for exceptions to disclosure stipulated by the Single Judge of Pre-Trial Chamber II on 17 August 2020.⁷



Karim A. A. Khan QC
Prosecutor

Dated this 4th day of January 2022,
At The Hague, The Netherlands

0913, DAR-OTP-P-0918, DAR-OTP-P-0919, DAR-OTP-P-0922, DAR-OTP-P-0924, DAR-OTP-P-0931, DAR-OTP-P-0976, DAR-OTP-P-0986, and DAR-OTP-P-0994.

⁴ DAR-OTP-P-0083, DAR-OTP-P-0547, and DAR-OTP-P-0816.

⁵ ICC-02/05-01/20-T-018-CONF-ENG ET, p. 51, l. 2 - p. 54, l. 11.

⁶ *Ibid.*

⁷ Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.