

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 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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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**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 4 and 5 January 2022, the Prosecution disclosed to the Defence 12 packages of evidence consisting of 272 items (3.114 pages):
 - Pre-Trial INCRIM package 93, consisting of 10 items (57 pages), including material related to three witnesses;¹
 - Pre-Trial INCRIM package 94, consisting of 22 items (126 pages), including material related to eight witnesses;²
 - Pre-Trial INCRIM package 95, containing 32 items (33 pages), including material related to the biometric examination of Mr Abd-al-Rahman;
 - Pre-Trial INCRIM package 96, containing 25 items (263 pages), including material related to 14 witnesses;³

¹ DAR-OTP-P-0129, DAR-OTP-P-0913, and DAR-OTP-P-1018. The items disclosed in this package are cited in the Pre-Trial Brief and/or annexes.

² DAR-OTP-P-0087, DAR-OTP-P-0114, DAR-OTP-P-0129, DAR-OTP-P-0581, DAR-OTP-P-0755, DAR-OTP-P-0990, and DAR-OTP-P-1018.

³ DAR-OTP-P-0012, DAR-OTP-P-0015, DAR-OTP-P-0027, DAR-OTP-P-0070, DAR-OTP-P-0129, DAR-OTP-P-0547, DAR-OTP-P-0589, DAR-OTP-P-0883, DAR-OTP-P-0932, DAR-OTP-P-0935, DAR-OTP-P-0976, DAR-OTP-P-0986, DAR-OTP-P-0990, and DAR-OTP-P-0991.

- Pre-Trial INCRIM package 97, containing 37 items (409 pages), including material related to six witnesses;⁴
- Pre-Trial INCRIM package 98, containing 8 items (79 pages), including material related to four witnesses;⁵
- Pre-Trial INCRIM package 99, containing 3 items (5 pages), including material related to witness DAR-OTP-P-0882;
- Pre-Trial Rule PEXO package 04, containing 1 item (2 pages);⁶
- Pre-Trial Rule 77 package 54, containing 35 items (205 pages), including material related to seven witnesses;⁷
- Pre-Trial Rule 77 package 55, containing 7 items (12 pages), including material related to three witnesses;⁸ and
- Pre-Trial Re-Classification to INCRIM package 03, containing 92 items (1.921 pages), previously disclosed as Rule 77 and now reclassified as INCRIM. These items include material related to 14 witnesses.⁹

4. With respect to redactions, the Prosecution applied identity redactions to items related to witness DAR-OTP-P-0885.¹⁰ The Prosecution also applied

⁴ DAR-OTP-P-0041, DAR-OTP-P-0087, DAR-OTP-P-0119, DAR-OTP-P-0547, DAR-OTP-P-0558, DAR-OTP-P-0913, DAR-OTP-P-0918, DDAR-OTP-P-0921, and DAR-OTP-P-1018.

⁵ DAR-OTP-P-0816, DAR-OTP-P-0884, DAR-OTP-P-0903, and DAR-OTP-P-0922.

⁶ This item is an English translation of a previously disclosed item whose ERN is indicated in the front page of the translation.

⁷ DAR-OTP-P-0002, DAR-OTP-P-0087, DAR-OTP-P-0109, DAR-OTP-P-0547, DAR-OTP-P-0905, DAR-OTP-P-1010, and DAR-OTP-P-1042.

⁸ DAR-OTP-P-1010, DAR-OTP-P-1018, and DAR-OTP-P-1042.

⁹ DAR-OTP-P-0053, DAR-OTP-P-0061, DAR-OTP-P-0085, DAR-OTP-P-0087, DAR-OTP-P-0119, DAR-OTP-P-0130, DAR-OTP-P-0581, DAR-OTP-P-0584, DAR-OTP-P-0585, DAR-OTP-P-0606, DAR-OTP-P-0671, DAR-OTP-P-0720, DAR-OTP-P-0769, and DAR-OTP-P-0894.

¹⁰ The delayed disclosure of this witness's identity was authorised by the Chamber. *See* ICC-02/05-01/20-T-018-CONF-ENG ET, p. 51, l. 2 - p. 54, l. 11.

“standard” redactions, in light of the procedure for exceptions to disclosure stipulated by the Single Judge of Pre-Trial Chamber II on 17 August 2020.¹¹



Karim A. A. Khan QC

Prosecutor

Dated this 6th day of January 2022,

At The Hague, The Netherlands

¹¹ Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.