



Original: **English**

No.: ICC-02/05-01/20
Date: 11 February 2022

TRIAL CHAMBER I

Before: Judge Joanna 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 Public Annex A**

Fourth Joint Prosecution and Defence Submission on Agreed Facts

Source: Office of the Prosecutor
Defence for Mr Ali Muhammad Ali Abd-Al-Rahman

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**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

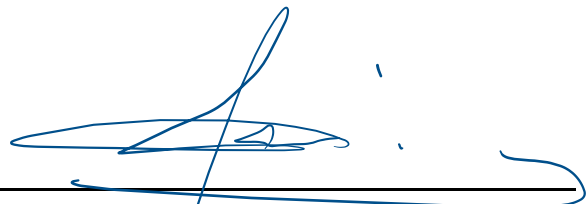
Other

I. INTRODUCTION

1. The Office of the Prosecutor and the Defence (together, the “Parties”) hereby submit 15 agreed facts.
2. The list of 15 agreed facts contained in Annex A relates to the contextual elements of war crimes and crimes against humanity.
3. Pursuant to rule 69 of the Rules of Procedure and Evidence, it is requested that Trial Chamber I (“Chamber”) considers these agreed facts as proven.
4. The Parties inform the Chamber that they will continue to explore other topics for potential agreement before 14 March 2022. Should the Parties reach any further agreement on facts, they will notify the Chamber and the Legal Representatives of the Victims.¹



Karim A.A. Khan QC
Prosecutor



Cyril Laucci
Lead Counsel for the Defence of Mr Ali
Muhammad Ali Abd-Al-Rahman

Dated this 11th day of February 2022

At The Hague, The Netherlands

¹ *Prosecutor v. Abd-Al-Rahman (“Ali Kushayb”)*, Victims’ joint submissions on the matters identified in the “Order scheduling first status conference”, 1 September 2021, [ICC-02/05-01/20-463](#), paras. 16-18.