

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **05 April 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

Mr Karim A.A. Khan QC
Ms Nazhat Shameem Khan
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 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. Between 28 March and 01 April 2022, the Prosecution disclosed to the Defence 6 packages of evidence, consisting of 88 items (3.881 pages):
 - Pre-Trial INCRIM package 111, consisting of 16 items (76 pages), including material related to 5 witnesses,¹ and the enhanced version of a previously disclosed audio/video item related to Mr Abd-Al-Rahman;²
 - Pre-Trial Rule 77 package 72, consisting of 30 items (1.393 pages), including material related to DAR-OTP-P-1042;
 - Pre-Trial Rule 77 package 73, consisting of 30 items (2.339 pages), including material related to DAR-OTP-P-1042;
 - Pre-Trial Rule 77 package 74, consisting of 7 items (32 pages), including material related to 5 witnesses;³
 - Pre-Trial Rule 77 package 75, consisting of 2 items (18 pages), including material related to 2 witnesses;⁴ and

¹ DAR-OTP-P-0087, DAR-OTP-P-0877, DAR-OTP-P-0979, DAR-OTP-P-0999, and DAR-OTP-P-1040.

² DAR-OTP-0220-2879 is the enhanced version of the audio/video material at DAR-OTP-0202-1377.

³ DAR-OTP-P-0029, DAR-OTP-P-0877, DAR-OTP-P-0943, DAR-OTP-P-0954, and DAR-OTP-P-0988.

⁴ DAR-OTP-P-0954 and DAR-OTP-P-1042

- Pre-Trial Rule 77 package 76, consisting of 3 items (23 pages), including material related to 3 witnesses.⁵
4. With respect to redactions, the Prosecution applied “standard” redactions to new items pursuant to the procedure for exceptions to disclosure adopted by the Single Judge of Pre-Trial Chamber II on 17 August 2020.⁶



Karim A. A. Khan QC

Prosecutor

Dated this 5th day of April 2022,
At The Hague, The Netherlands

⁵ DAR-OTP-P-0029, DAR-OTP-P-0651, DAR-OTP-P-0736

⁶ Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.