



Original: **English**

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

Date: **19 April 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 Confidential Annexes 1, 2 and 3

Prosecution’s submission of the updated List of Witnesses and List of Evidence

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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1. In accordance with the Trial Chamber I (“Chamber”)’s Decision on the Prosecution’s applications to add witnesses and items to its List of Witnesses and List of Evidence and to rely on recently collected evidence,¹ the Prosecution hereby submits its updated List of Witnesses (“LoW”), appended as Annexes 1 and 2, and its updated List of Evidence (“LoE”), appended as Annex 3.

2. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, Annexes 1, 2 and 3 are filed as confidential, as they contain sensitive information pertaining to the Prosecution’s witnesses and evidence.

3. Annex 1 has been updated to reflect the inclusion of new witnesses, as authorised by the Chamber,² as well as to reflect the Prosecution’s new intended order of calling of witnesses³ and the in-court protective measures already granted.⁴

4. Annex 2 has been updated to include the summary of evidence provided by the new witnesses included in the List of Witnesses and their respective kinship. The Prosecution also took this opportunity to update the summaries provided for P-0087 and P-0954, who are now deceased, and the information on kinship related to P-0010, P-0027, P-0878 and P-0922.

5. Annex 3 has been updated to include (i) new evidence authorised to be added by the Chamber’s decisions on the Prosecution’s regulation 35 requests;⁵ (ii) P-1042’s joint expert report submitted in accordance with the Chamber’s directions;⁶ (iii)

¹ [ICC-02/05-01/20-668](#), para. 78.

² [ICC-02/05-01/20-668](#), para. 75, comprising P-0916, P-0979, P-0999, P-1040, P-1047, P-1061 and P-1062. There is, however, a request for inclusion of two other witnesses (P-1073 and P-1074) pending before the Chamber ([ICC-02/05-01/20-667-Conf](#)).

³ As recently informed by the Prosecution ([ICC-02/05-01/20-T-030-CONF-FRA](#), page 8, lines 4-11, the English version of the transcript is not yet available), this projected order of calling may be subject to additional changes as a result of the interpretation issues affecting trial, as well as the availability of witnesses.

⁴ Decision on in-court protective measures ([ICC-02/05-01/20-645-Conf-Red](#)) and the Chamber’s oral decision regarding P-0903 ([ICC-02/05-01/20-T-031-CONF-ENG](#), page 58, lines 2-9). Information on Annex 1 relating to P-0916, P-0979, P-0999, P-1040 and P-1047 reflects the Prosecution’s intention to file for in-court protective measures for these witnesses shortly.

⁵ Items 4427 to 4521 of Annex 3 are included into the LoE in accordance to the Chamber’s Decision on the Prosecution’s applications to add witnesses and items to its List of Witnesses and List of Evidence and to rely on recently collected evidence ([ICC-02/05-01/20-668-Conf](#)) and its Decision on the Prosecution’s request for an extension of time limit to disclose and add items to its list of evidence and list of witnesses ([ICC-02/05-01/20-545-Conf](#)).

⁶ Items 4547 to 4552 of Annex 3.

English translations⁷ of documents which were already included in the original LoE filed on 5 January 2022⁸ and (iv) updated transcripts and translations formerly included in the LoE in draft version.⁹



Karim A. A. Khan QC

Prosecutor

Dated this 19th day of April 2022

At The Hague, The Netherlands

⁷ Items 4544 to 4546 of Annex 3.

⁸ [ICC-02/05-01/20-551-Conf-Anx3](#).

⁹ Items 4522 to 4543 of Annex 3.