

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **18 July 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 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 Victims

Ms Natalie von Wistinghausen
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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 rule 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 13 June and 13 July 2022, the Prosecution disclosed to the Defence 21 packages of evidence, consisting of 112 items (586 pages):
 - Trial INCRIM package 133, consisting of 12 items (22 pages), including material related to 2 witnesses;¹
 - Trial INCRIM package 134, consisting of 8 items (14 pages), including material related to DAR-OTP-P-0547;
 - Trial INCRIM package 135, consisting of 2 items (8 pages), including material related to DAR-OTP-P-0726;
 - Trial INCRIM package 136, consisting of 6 items (43 pages), including material related to 2 witnesses;²
 - Trial INCRIM package 137, consisting of 22 items (154 pages), including material related to 2 witnesses;³
 - Trial INCRIM package 138, consisting of 11 items (37 pages), including material related to 3 witnesses;⁴

¹ DAR-OTP-P-0547 and DAR-OTP-P-0892.

² DAR-OTP-P-0643 and DAR-OTP-P-0877.

³ DAR-OTP-P-0726 and DAR-OTP-P-0999.

⁴ DAR-OTP-P-0643, DAR-OTP-P-0718, and DAR-OTP-P-0877.

- Trial INCRIM package 139, consisting of 2 items (5 pages);
- Trial INCRIM package 140, consisting of 17 items (97 pages), including material related to 3 witnesses;⁵
- Trial INCRIM package 141, consisting of 4 items (4 pages), including material related to DAR-OTP-P-0931;
- Trial INCRIM package 142, consisting of 1 item (1 page), related to DAR-OTP-P-0931;
- Trial INCRIM package 143, consisting of 1 item (1 page), related to DAR-OTP-P-0931;
- Trial Rule 77 package 93, consisting of 3 items (58 pages), including material related to 2 witnesses;⁶
- Trial Rule 77 package 94, consisting of 1 item (33 pages), related to DAR-OTP-P-0547;
- Trial Rule 77 package 95, consisting of 1 item (8 pages), related to DAR-OTP-P-0726;
- Trial Rule 77 package 96, consisting of 1 item (2 pages), related to DAR-OTP-P-0547;
- Trial Rule 77 package 97, consisting of 6 items (25 pages), including material related to 5 witnesses;⁷
- Trial Rule 77 package 98, consisting of 9 items (22 pages), including material related to 3 witnesses;⁸

⁵ DAR-OTP-P-0643, DAR-OTP-P-0919 and DAR-OTP-P-1034.

⁶ DAR-OTP-P-0547 and DAR-OTP-P-0892.

⁷ DAR-OTP-P-0547, DAR-OTP-P-0877, DAR-OTP-P-0955, DAR-OTP-P-0973, and DAR-OTP-P-0986.

⁸ DAR-OTP-P-0643, DAR-OTP-P-0726, and DAR-OTP-P-0850.

- Trial Rule 77 package 99, consisting of 2 items (19 pages), including material related to 2 witnesses;⁹ and
 - Trial Rule 77 package 100, consisting of 1 item (16 pages), related to DAR-OTP-P-0643;
 - Trial Rule 77 package 101, consisting of 1 item (9 pages), related to DAR-OTP-P-0931; and
 - Trial Rule 77 package 102, consisting of 1 item (8 pages), related to DAR-OTP-P-0919.
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 2020.¹⁰



Karim A. A. Khan QC
Prosecutor

Dated this 18th day of July 2022,
At The Hague, The Netherlands

⁹ DAR-OTP-P-0718 and DAR-OTP-P-0877.

¹⁰ Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.