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

Date: **16 April 2021**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v.
ALI MUHAMMAD ALI ABD-AL-RAHMAN ("ALI KUSHAYB")***

**Public
with Confidential Annexes A-C**

**Prosecution's notification of the disclosure of evidence
on 14 and 15 April 2021**

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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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Prosecution submits to the Single Judge Rosario Salvatore Aitala (“Single Judge”), acting for Pre-Trial Chamber II, this notification of the disclosure of evidence pursuant to article 61(3)(b) of the Rome Statute.

II. CLASSIFICATION

2. This filing is classified as public with confidential Annexes A-C. The Prosecution classifies Annexes A-C as confidential since they relate to *inter partes* disclosure and contain confidential information.


III. SUBMISSIONS

3. On 14 April 2021, the Prosecution disclosed to the Defence two packages of evidence consisting of 12 items (213 pages). Pre-Confirmation INCRIM package 57 contains five witness statements related to Witnesses DAR-OTP-P-0015, DAR-OTP-P-0129, DAR-OTP-P-0714, DAR-OTP-P-726 and DAR-OTP-P-0850. The Prosecution re-discloses them with lesser redactions. Pre-Confirmation INCRIM package 58 contains seven items related to Witnesses DAR-OTP-P-0643 and DAR-OTP-P-0924. A request to the Chamber to authorise i) the addition of materials relating to these two witnesses as well as ii) the non-disclosure of their identities has been filed.¹

4. On 15 April 2021, the Prosecution disclosed to the Defence a map of West Dafur. The disclosed item can be found in Pre-Confirmation INCRIM package 59.

¹ ICC-02/05-01/20-341.

5. The standard redactions applied to the disclosed items are minimal and are applied according to the procedure for exceptions to disclosure that was adopted by the Single Judge on 17 August 2020.²



Fatou Bensouda
Prosecutor

Dated this 16th day of April 2021

At The Hague, The Netherland

² ICC-02/05-01/20-116, para. 12.