



Original : English

N°: ICC-02/05-01/20

Date: 19 May 2023

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 1 and its Public Redacted Version

**Registry's Report on Evidence Recognised as Formally Submitted by the Chamber
for Witness DAR-OTP-P-0874**

Source : Registry

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

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 Anand Shah

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 Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits the present report (“Registry Report”) and its two annexes consisting of a confidential version of items recognized as evidence formally submitted and its public redacted version, pursuant to the “Directions on the conduct of proceedings” (“Directions”),¹ issued on 4 October 2021 by Trial Chamber I (“Chamber”).

II. Procedural History

2. On 4 October 2021, the Chamber issued its Directions, in which it directed the Registry to: “[...] reflect all formally submitted items in the eCourt metadata [...]”, and to “[...] submit reports for each witness who testifies, indicating which items have been formally submitted by the parties and participants in relation to that witness. The email exchanges [...] are to be annexed to this filing, applying redactions as appropriate”.²
3. On 28 September, the Office of the Prosecutor (“Prosecution”) called its thirty-sixth witness. After the conclusion of the examination of witness P-0874, parties formally submitted items used during the hearings as instructed in the Directions.
4. On 4 October 2022, the Chamber issued the decision on items of evidence recognised as formally submitted for witness P-0874 via email.³ Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails enclosed in Annex 1 to the filing.

¹ Trial Chamber I, Directions on the conduct of proceedings, ICC-02/05-01/20-478, 4 October 2021.

² *Ibid*, para. 31(iv).

³ Email sent by Trial Chamber I Communications on 4 October at 13:27.

III. Applicable law

5. For the purpose of the present submission, the Registry has considered *inter alia* articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

IV. Submission

6. The Registry hereby attaches confidential Annex 1:
- **Annex 1:** "Decision on the submission of material though P-0874."
7. In order to enable the parties and participants to suggest specific additional redactions to Annex 1, the Registry liaised by email with the Prosecution, the Defence, and the Legal Representatives of the Victims ("LRVs").⁴ Further redactions were proposed by the Prosecution.⁵ The Defence and LRVs had no further redactions to propose.⁶
8. Accordingly, the Registry applied redactions to the emails set forth in the following public redacted version of Annex 1: "Decision on the submission of material though P-0874", dated 4 October 2022 at 13:27.



p.p. Marc Dubuisson
Director, Division of Judicial Services
On behalf of Mr Osvaldo Zavala Giler, Registrar

Dated this 19 May 2023

At The Hague, The Netherlands

⁴ Email sent by the Associate Legal Officer/Courtroom Officer, on 10 December at 15:32 attaching Annex 1.

⁵ The Registry received a response from the Prosecution with additional redactions to Annex 1 on 13 December 2022 at 9:47.

⁶ The Registry received responses from the Legal Representatives of Victims and Defence on 14 December 2022 at 9:37 and 12:29 respectively.