



Original : English

N°: ICC-02/05-01/20
Date: 08 February 2024

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 D-0011**

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
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Mr Julian Nicholls

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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 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”), issued by Trial Chamber I (“Chamber”) on 4 October 2021.¹

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 20 November 2023, the Defence called their fourth witness, witness D-0011. After the conclusion of the examination of witness D-0027, the Defence and Prosecution formally submitted items used during the hearings of the said witness, as instructed in the Directions.
4. On 27 November 2023, the Chamber, via email, issued the decision on items of evidence recognised as formally submitted for witness D-0011.³ Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails in Annex 1 to the present 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).

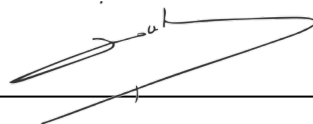
³ Email sent by Trial Chamber I Communications on 27 November 2023 at 12:02.

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 evidence through D-0011."
7. In order to enable the parties and participants to suggest specific additional redactions to Annex 1, the Registry liaised with the Prosecution, the Defence, and the LRVs, by email.⁴ Further redactions were proposed by the Defence.⁵ The Prosecution 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 evidence through D-0011", dated 27 November 2023 at 12:02.



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

Dated this 08 February 2024

At The Hague, The Netherlands

⁴ Email sent by the Associate Legal Officer/Courtroom Officer, on 18 January 2024 at 11:20 attaching Annex 1.

⁵ The Registry received a response from the Defence with additional redactions to Annex 1 on 23 January 2024 at 11:55.

⁶ The Registry received a response from the Prosecution on 22 January 2024 at 15:51 and the LRVs on 3 February 2024 at 14:08.