



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-0008**

**Source : Registry**

**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**

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**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.<sup>1</sup>

## 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”.<sup>2</sup>
3. On 21 November 2023, the Defence called their fifth witness, witness D-0008. After the conclusion of the examination of witness D-0008, the Defence and Prosecution formally submitted items used during the hearings of the said witness, as instructed in the Directions.
4. On 15 December 2023, the Chamber, via email, issued the decision on items of evidence recognised as formally submitted for witness D-0008.<sup>3</sup> Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails in Annex 1 to the present filing.

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

<sup>2</sup> *Ibid*, para. 31(iv).

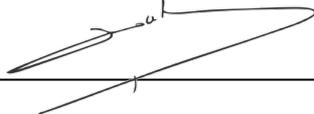
<sup>3</sup> Email sent by Trial Chamber I Communications on 15 December 2023 at 15:23.

### 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-0008."
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.<sup>4</sup> No redactions were proposed further to those applied pursuant to the Directions.<sup>5</sup>
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-0008", dated 15 December 2023 at 15:23.



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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

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

<sup>5</sup> The Registry received responses from the Prosecution and Defence on 22 and 23 January at 15:51 and 11:55 respectively. The LRVs sent their response on 3 February 2024 at 14:08.