



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-0032**

**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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Mr Julian Nicholls

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**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**

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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 28 November 2023, the Defence called their sixth witness, witness D-0032. After the conclusion of the examination of witness D-0032, the Defence and Prosecution formally submitted items used during the hearings of the said witness, as instructed in the Directions.
4. On 6 December 2023, the Chamber, via email, issued the decision on items of evidence recognised as formally submitted for witness D-0032.<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).

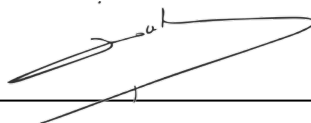
<sup>3</sup> Email sent by Trial Chamber I Communications on 6 December 2023 at 9:41.

### 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-0032."
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-0032", dated 6 December 2023 at 9:41.



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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.