



Original: **English**

No.: ICC-02/05-01/20
Date: 25 February 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 24 February 2021

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr James Stewart

Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

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 articles 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 24 February 2021, the Prosecution disclosed to the Defence 263 items (1,230 pages). The disclosed items are in the following packages:

- Pre-Confirmation INCRIM package 24: contains 84 items (429 pages)
- Pre-Confirmation INCRIM package 25: contains 42 items (457 pages)
- Pre-Confirmation Rule 77 package 15: contains 137 items (344 pages)

4. The Prosecution informs the Single Judge that in these packages, the disclosed items relate to the witnesses whose identities cannot be disclosed at this stage and for whom the Prosecution has filed or will file applications for the non-disclosure of witness identities. The Prosecution applied redactions to the information that might reveal the witnesses’ identities as instructed by the Chamber.¹ The Prosecution used code F for such redactions.

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

¹ ICC-02/05-01/20-196, para. 34.

² ICC-02/05-01/20-116, para. 12.

6. The Prosecution will submit an application for the authorisation of the non-disclosure of the identifying information of the concerned witnesses as instructed by the Chamber.³

A handwritten signature in black ink that reads "James K. Stewart." The signature is written in a cursive, flowing style.

James Stewart
Deputy Prosecutor

Dated this 25th day of February 2021

At The Hague, The Netherlands

³ ICC-02/05-01/20-196, para. 34.