



Original: English

No.: ICC-02/05-01/20
Date: 10 August 2021

TRIAL CHAMBER I

Before: Judge Joanna 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 A**

Prosecution’s notification of the disclosure of evidence

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

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Legal Representatives of the Victims

Ms Amal Clooney

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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**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Prosecution hereby notifies Trial Chamber I (“Chamber”) of the disclosure of evidence pursuant to articles 64(3)(c) and 67(2) of the Rome Statute, and rules 76(3) and 77 of the Rules of Procedure and Evidence (“Rules”).

II. CLASSIFICATION

2. This filing is classified as public with one confidential Annex. Confidential Annex A contains a list of evidence that has been disclosed to the Defence.

III. SUBMISSIONS

3. On 6 August 2021, the Prosecution disclosed to the Defence Pre-Trial INCRIM package 67, consisting of five items (42 pages) that have been identified as containing incriminating evidence. Of these, three items (DAR-OTP-0220-0688, DAR-OTP-0220-0703 and DAR-OTP-0220-0718) were already disclosed to the Defence via email on 21 July 2021 since they also contain information material to the preparation of the Defence pursuant to rule 77 of the Rules of Procedure and Evidence and/or subject to article 67(2) of the Rome Statute.
4. Among these items was one witness statement (six pages).
5. With respect to redactions, the Prosecution has followed the procedure for exceptions to disclosure that was adopted in this case by the Single Judge of Pre-Trial Chamber II on 17 August 2020.¹ Accordingly, all of the redactions fall under the “standard” category of redactions to disclosure under rules 81(2) and 81(4) of the Rules as contained in the Chambers Practice Manual.² The redactions that have been applied are minimal and affect neither the substance

¹ *Prosecutor v. Abd-Al-Rahman (“Ali Kushayb”)*, Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.

² Chambers Practice Manual, November 2019, paras. 99-101 (pp. 31-34).

of the material nor the ability of the Defence to comprehend it.



Karim A. A. Khan QC
Prosecutor

Dated this 10th day of August 2021

At The Hague, The Netherlands