



Original: English

No.: ICC-02/05-01/20
Date: 15 October 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 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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Counsel for the Defence

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Mr Iain Edwards

Legal Representatives of the Victims

Ms Natalie von Wistinghausen

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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**The Office of Public Counsel for the
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States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

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(1)(a) and (b) 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. The Prosecution classifies Annex A as confidential since it contains a list of evidence that has been disclosed to the Defence and contains confidential information.

III. SUBMISSIONS

3. On 14 October 2021, the Prosecution disclosed to the Defence Pre-Trial INCRIM package 73, containing 45 items (523 pages). Of these, 23 items, including 15 statements, are related to Witnesses DAR-OTP-P-0007, DAR-OTP-P-0027, DAR-OTP-P-0060 and DAR-OTP-P-0092, DAR-OTP-P-0033, DAR-OTP-P-0117, DAR-OTP-P-0584, DAR-OTP-P-0585, DAR-OTP-P-0591, DAR-OTP-P-0607, DAR-OTP-P-0041, DAR-OTP-P-0712, DAR-OTP-P-0720, DAR-OTP-P-0843, DAR-OTP-P-0027 which are now being re-disclosed after lifting of redactions that are no longer required. The package also contains 22 newly disclosed items, including 11 translations of evidence, and 11 items related to witness DAR-OTP-P-0027.
4. The Prosecution also disclosed to the Defence Pre-Trial Rule 77 package 39, containing 12 items (228 pages). These items are related to witnesses DAR-OTP-P-0877, DAR-OTP-P-0060, DAR-OTP-P-0937 and DAR-OTP-P-0591. Pre-Trial Rule 77 package 40 contains 87 expenses (111 pages) related to certain provisional trial witnesses.

5. Lastly, the Prosecution re-issued the Chain of Custody or the Pseudonym fields of 20 previously disclosed items. These updated metadata fields are included in Pre-Trial Metadata Re-issue packages 17 and 18.
6. With respect to redactions, the Prosecution applied “standard” redactions as stipulated in 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



Karim A. A. Khan QC

Prosecutor

Dated this 15th day of October 2021

At The Hague, The Netherlands

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.