



Original: English

No.: ICC-02/05-01/20  
Date: 12 November 2021

**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 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**

Mr Karim A.A. Khan QC

Mr Julian Nicholls

**Counsel for the Defence**

Mr Cyril Laucci

Mr Iain Edwards

**Legal Representatives of the Victims**

Ms Natalie von Wistinghausen

Mr Nasser Mohamed Amin Abdalla

**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**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**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 rule 77 of the Rules of Procedure and Evidence.

## II. CLASSIFICATION

2. This filing is classified as public with one confidential annex, comprising the list of evidence disclosed to the Defence. This annex is classified as confidential since it contains confidential information.

## III. SUBMISSIONS

3. On 11 November 2021, the Prosecution disclosed to the Defence Pre-trial INCRIM package 79 consisting of 116 items (897 pages).<sup>1</sup>
4. With respect to redactions, the Prosecution re-disclosed items with less redactions and applied “standard” redactions to new items in light of the procedure for exceptions to disclosure adopted by the Single Judge of Pre-Trial Chamber II on 17 August 2020.<sup>2</sup>




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**Karim A. A. Khan QC**

**Prosecutor**

Dated this 12<sup>th</sup> day of November 2021,

At The Hague, The Netherlands

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<sup>1</sup> The items are related to witnesses DAR-OTP-P-0013, DAR-OTP-P-0065, DAR-OTP-P-0103, DAR-OTP-P-0290, DAR-OTP-P-0643, DAR-OTP-P-0726, DAR-OTP-P-0878, DAR-OTP-P-0921, DAR-OTP-P-0922, and DAR-OTP-P-0930.

<sup>2</sup> *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.