



Original: English

No.: ICC-02/05-01/20

Date: 9 May 2022

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 Annexes 1, 2 and 3**

Prosecution’s submission of the updated List of Witnesses and List 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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Unrepresented Victims

**Unrepresented Applicants
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States Representatives

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Mr Nigel Verrill

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**Victims Participation and Reparations
Section**

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Other

1. In accordance with the Trial Chamber I (“Chamber”)’s Decision on the Prosecution’s fifth application seeking the authorisation to add two witnesses pursuant to Regulation 35,¹ the Prosecution hereby submits its updated List of Witnesses (“LoW”), appended as Annexes 1 and 2, and its updated List of Evidence (“LoE”), appended as Annex 3.

2. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, Annexes 1, 2 and 3 are filed as confidential, as they contain sensitive information pertaining to the Prosecution’s witnesses and evidence.

3. Annex 1 has been updated to reflect the inclusion of new witnesses P-1073 and P-1074,² the exclusion of witness P-0954,³ as well as to reflect the Prosecution’s current intended order of calling of witnesses.⁴

4. Annex 2 has been updated to include the summary of evidence provided by the P-1073 and P-1074 and their respective kinship.

5. Annex 3 has been updated to include (i) evidence related to P-1073 and P-1074⁵ and (ii) the English translation and transcript⁶ of a document which was already included in the original LoE filed on 5 January 2022.⁷



Karim A. A. Khan QC
Prosecutor

Dated this 9th day of May 2022
At The Hague, The Netherlands

¹ [ICC-02/05-01/20-681-Conf](#), para. 19 (“Decision”).

² [Decision](#), para. 16.

³ Following the Chamber’s Decision on the Prosecution’s second application to introduce a prior recorded testimony under Rule 68(2)(c), [ICC-02/05-01/20-680-Conf](#).

⁴ As recently informed by the Prosecution ([ICC-02/05-01/20-T-030-CONF-ENG](#), page 8, lines 11-19), this projected order of calling may be subject to additional changes as a result of the interpretation issues affecting trial, the availability of witnesses and the ongoing re-evaluation of the intended mode of testimony of some witnesses, as requested by the Chamber on 28 April 2022 (ICC-02/05-01/20-T-036-CONF, still unpublished in either official languages but currently at pages 97 and 98 of the draft).

⁵ Items 4550 to 4560 of Annex 3 are included into the LoE in accordance to the Chamber’s [Decision](#).

⁶ Items 4544 and 4545 of Annex 3.

⁷ [ICC-02/05-01/20-551-Conf-Anx3](#).