

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **7 June 2022**

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
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Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci
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)**

The Office of Public Counsel for Victims

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

States Representatives

Amicus Curiae

REGISTRY

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 rules 76(3) and 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. Between 25 May and 6 June 2022, the Prosecution disclosed to the Defence 10 packages of evidence and re-issued the metadata of two packages, consisting of 87 items (634 pages):

- Trial INCRIM package 126, consisting of 31 items (247 pages), including material related to 6 witnesses;¹
- Trial INCRIM package 127, consisting of 4 items (37 pages), including material related to 2 witnesses;²
- Trial INCRIM package 128, consisting of 8 items (37 pages), including material related to 3 witnesses;³
- Trial INCRIM package 129, consisting of 5 items (9 pages), including material related to 2 witnesses;⁴
- Trial Rule 77 package 85, consisting of 3 items (18 pages), including material related to 3 witnesses;⁵

¹ DAR-OTP-P-0119, DAR-OTP-P-0547, DAR-OTP-P-0903, DAR-OTP-P-0937, DAR-OTP-P-0943, and DAR-OTP-P-0945.

² DAR-OTP-P-0547 and DAR-OTP-P-0850.

³ DAR-OTP-P-0547, DAR-OTP-P-0955, and DAR-TOP-P-0980.

⁴ DAR-OTP-P-0955 and DAR-OTP-P-0980.

⁵ DAR-OTP-P-0850, DAR-OTP-P-1040 and DAR-OTP-P-1074.

- Trial Rule 77 package 86, consisting of 7 items (12 pages), including material related to DAR-OTP-P-0547;
 - Trial Rule 77 package 87, consisting of 7 items (175 pages), including material related to 5 witnesses;⁶
 - Trial Rule 77 package 88, consisting of 3 items (12 pages), including material related to 2 witnesses;⁷
 - Trial Metadata Re-issue package 26, consisting of 2 items (9 pages), after re-issuing one metadata field;⁸ and
 - Trial Metadata Re-issue package 27, consisting of 17 items (78 pages), after re-issuing two metadata fields.⁹
4. With respect to redactions, the Prosecution applied “standard” redactions to new items pursuant to the procedure for exceptions to disclosure adopted by the Single Judge of Pre-Trial Chamber II on 17 August 2020.¹⁰



Karim A. A. Khan QC

Prosecutor

Dated this 7th day of June 2022,
At The Hague, The Netherlands

⁶ DAR-OTP-P-0547, DAR-OTP-P-0131, DAR-OTP-P-0720, DAR-OTP-P-0726, and DAR-OTP-P-0718.

⁷ DAR-OTP-P-0012 and DAR-OTP-P-0980.

⁸ ICC-02/05-01/20 Related to Witness.

⁹ 1 Source Identity and Chain of Custody notes.

¹⁰ Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.