

Annex 1

Public

[REDACTED]

From: Trial Chamber I Communications
Sent: 12 December 2023 14:39
To: Abd Al Rahman Prosecution Team; 'D31 Abd-Al-Rahman Defence Team'; 'V47 Abd Al Rahman LRV Team'
Cc: Trial Chamber I Communications; Associate Legal Officer-Court Officer; FS Items Communication
Subject: Decision on the submission of material through D-0023
Attachments: D-0023 - List of Materials for Submission ; D-0023 - Prosecution's List of Material for Submission

[ICC] RESTRICTED

Dear Counsel,
Dear colleagues,

The Chamber notes the submission of 18 items by the Defence following the testimony of D-0023 (*see* attached email of 5 December 2023 at 16:25).

The Chamber also notes the submission of 5 items by the Prosecution (*see* attached email of 6 December 2023 at 14:06).

Noting that the items tendered were used and discussed with D-0023, and that their submission is unopposed, the Chamber hereby recognises the items as formally submitted.

Finally, for the completeness of the record and as noted by the Prosecution, the Chamber authorises the submission of the corrigendum to D-0023's report (DAR-D31-00000259).

The Registry is therefore directed to proceed in accordance with paragraph 31(iv) of the Directions on the conduct of the proceedings (filing 478).

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Guilloux, Nina [REDACTED]
Sent: 05 December 2023 16:25
To: Trial Chamber I Communications
Cc: Abd Al Rahman Prosecution Team; V47 Abd Al Rahman LRV Team; D31 Abd-Al-Rahman Defence Team; Associate Legal Officer-Court Officer
Subject: D-0023 - List of Materials for Submission
Attachments: List of Materials for Submission - D-0023.pdf

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Dear Trial Chamber I,
Dear Parties,

Please find attached the Defence's List of Materials for Submission, following D-0023's testimony. For ease of reference, the relevant transcript portions in which the items were used are indicated on the List.

Kind regards,

Nina Guilloux
Abd-Al-Rahman Defence

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Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman

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

Defence List of Materials for Submission: D-0023

| Item # | DOC ID | Title | Reference ¹ |
|------------------------------------|----------------------------------|--|---|
| Tab 6 (Defence List of Materials) | DAR-D31-00000131 | Letter of instruction – D-0023 | T-134 ET , 36:21 to 37:23. T-135 ET , 3:14-18 ; 6:811 ; 41:17 to 42:2. T-142 RT , 8:9-15. |
| Tab 7 (Defence List of Materials) | DAR-OTP-00005973 | Letter of instruction – D-0023 - Eng | See above |
| Tab 10 (Defence List of Materials) | DAR-D31-00000133 | Philippe Gout Resume | T-134 ET , 15 :21 – 16 :18 ; 32 :26 to 34 : 23 ; 78 :27 to 79 :17 ; 92 :27 to 94 :10. T-135 ET , 3 :7-12 ; 34 :17-24 |
| Tab 11 (Defence List of Materials) | DAR-OTP-00005971 | Philippe Gout Resume - Eng | See above |
| Tab 12 (Defence List of Materials) | DAR-OTP-00005101 | GOUT - L'appréhension de l'ordre juridique coutumier infre-étatique - part 1_text | T-134 ET , 16:21 to 18:4; 22:28 to 23:25 ; 31:24 to 32:7 ; 53:26 to 54:19; 72:17-27 ; 74:17 to 76:12 ; 83:14 to 84:5 ; 90:2-6 ; 92:24 to 93:17 ; 94:15 to 95:13 ; 95:24 to 97:4. T-135 ET , approx. 100 mentions. T-136 ET , 55:7-21; 58:17-21 ; 66:15-18 ; 67:18 to 68 :7 ; 73 :4-10. |
| Tab 13 (Defence List of Materials) | DAR-OTP-00005102 | GOUT - L'appréhension de l'ordre juridique coutumier infre-étatique - part 2_annexes | T-134 ET , 26 : 15-24 ; 71 :17-18 ; 99 :4 to 100 :1. T-135 ET , 39 :2-27. T-136 ET , 57 :2-7 ; 67 :25 to 69 :10. |
| Tab 1 (OTP List of Materials) | DAR-OTP-00006837 | SLJR – Goldenberg v Goldenberg.pdf | T-135 ET , pp.14-16 ; p.49. T-136 ET , p.42. |

¹ As the witness testified in French, the transcripts of reference are the French ones: Edited version for T-134 to T-136 and Real Time version for T-142 and T-143.

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|--------------------------------|-----------------------------------|--|--|
| | | | T-142 RT , pp.9-10. T-143 RT , pp. |
| Tab 2 (OTP List of Materials) | DAR-OTP-00006858 | 1EBC3A6B4760512AEDDC1C50858A9FC8_Sudan_Judicial Procedures law of 1983.pdf | See below |
| Tab 3 (OTP List of Materials) | DAR-OTP-00005140 | Laws of the Sudan / Volume II (1933-1981) / Eight edition | T-143 RT , pp.10-12. |
| Tab 4 (OTP List of Materials) | DAR-OTP-00007036 | Constitutional Decree 7 – KOK, Governance and conflict in the Sudan, 1985-1995.pdf | T-142 RT , p.18. T-143 RT , pp.3-9. |
| Tab 9 (OTP List of Materials) | DAR-OTP-00005133 | Periodic Report of Sudan Pursuant to Article 62 of the African Charter on Human and Peoples' Rights | T-142 RT , pp.36-37. |
| Tab 10 (OTP List of Materials) | DAR-OTP-00007037 | UNHCR – GoS – Regulation of Asylum Act 1974 | T-142 RT , pp.50-51 ; pp.97-98. |
| Tab 12 (OTP List of Materials) | DAR-OTP-00006615 | CCPR_C_75_Add.2.pdf | T-142 RT , pp.54-55. |
| Tab 13 (OTP List of Materials) | DAR-OTP-00006616 | CCPR_C_SR.1629.pdf | T-142 RT , p.65. |
| Tab 15 (OTP List of Materials) | DAR-OTP-00005576 | Agreement between the Government of the Republic of Sudan and the Sudan People's Liberation Movement to Protect Non-Combatant Civilians and Civilian Facilities from Military Attack | T-142 RT , pp.72-73. |
| Tab 17 (OTP List of Materials) | DAR-OTP-0066-0470 | Order of Establishment of the Special Criminal Court on the Events in Darfur | T-142 RT , pp.76-77. |
| Tab 19 (OTP List of Materials) | DAR-OTP-00006622 | Partial translation of DAR-OTP-0091-0112 - page 0139.docx | T-142 RT , pp.76-77. |
| Tab 30 (OTP List of Materials) | DAR-OTP-00007049 | CCPR/C/SR.1628 | T-142 RT , pp.63-64. |

From: Sabatini, Claire
Sent: 06 December 2023 14:06
To: Trial Chamber I Communications
Cc: D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team; Abd Al Rahman Prosecution Team; Associate Legal Officer-Court Officer
Subject: D-0023 - Prosecution's List of Material for Submission
Attachments: D-0023 - Prosecution's List of Material for Submission.pdf

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Dear Trial Chamber I,
Dear colleagues,

Please find attached the Prosecution's List of Material for Submission for D-0023.

The Prosecution notes that the Defence did not submit the corrigendum to D-0023's report (DAR-D31-00000259) and takes the position that this should also be submitted into the record of the case on the basis that it forms part of the rule 68(3) admission of evidence.

Kind regards,



Claire Sabatini

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Prosecution's List of Material for Submission - Witness DAR-D-0023

| # | ERN (e-Court/JEM) | Type | Title | Transcript reference |
|----|----------------------------------|--|---|--|
| 1. | DAR-OTP-00006661 | Legislation / government instruction / public guidelines | UNTC - ICCPR.pdf | T-142-ET, 25:22-32:9 |
| 2. | DAR-OTP-00006618 | Report | CERD_C_334_Add.2.pdf | T-142-ET, 58:21-61:8 |
| 3. | DAR-OTP-00006662 | Legal, Administration and Court document - non ICC | GoS - Amending the Decree Establishing the Special Criminal Court on the Events in Darfur.pdf | T-142-ET, 66:4-69:25 (original version of the translation DAR-OTP-00006622 listed by the Defence) |
| 4. | DAR-OTP-00007047 | Communication - E-mail | E-mail from Defence to OTP re. D-23 prep.pdf | T-142-ET, 78:16-80:8 |
| 5. | DAR-OTP-00005100 | Correspondence - letter | Letter from Mr GOUT [D-0023] in response to OTP requests | T-135-ET, 4:13-6:5, 10:18-23, 13:15-25, 31:24-32:4 |