

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **7 November 2023**

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 the disclosure of evidence
between 5 July and 7 November 2023**

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 KC
Ms Nazhat Shameem Khan
Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci
Mr Iain Edwards

Legal Representatives of the Victims

Ms Natalie von Wistinghausen
Mr Anand Shah

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 Osvaldo Zavala Giler

Counsel Support Section

Mr Pieter Vanaverbeke

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 5 July and 7 November 2023, the Prosecution disclosed to the parties and participants 9 packages of evidence, consisting of 643 items:

- Trial Rule 77 package 165, containing one item;¹
- Trial Rule 77 package 166, containing four items;²
- Trial Rule 77 package 167, containing four items;³
- Trial Rule 77 package 168, containing 11 items;⁴
- Trial Rule 77 package 169, containing 96 items;⁵
- Trial Rule 77 package 170, containing four items;⁶
- Trial Rule 77 package 171, containing 10 items;⁷

¹ Disclosed on 11 July 2023.

² Disclosed on 28 July 2023.

³ Disclosed on 8 September 2023.

⁴ Disclosed on 10 October 2023.

⁵ Disclosed on 13 October 2023.

⁶ Disclosed on 18 October 2023.

⁷ Disclosed on 24 October 2023.

- Trial Rule 77 package 172, containing four items;⁸
- Trial INCRIM package 192, containing 509 items;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 KC
Prosecutor

Dated this 7th day of November 2023,
At The Hague, The Netherlands

⁸ Disclosed on 2 November 2023.

⁹ Disclosed on 6 November 2023.

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