

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05-01/20  
Date: 6 December 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**

---

**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 1 and 3 December 2021, the Prosecution disclosed to the Defence three packages consisting of 190 items (9.421 pages):
  - Pre-Trial Rule 77 package 47, consisting of 25 items (3.601 pages);
  - Pre-Trial Rule 77 package 48, consisting of 105 items (4.970 pages); and
  - Pre-Trial INCRIM package 83, consisting of 60 items (850 pages).
4. Pre-Trial Rule 77 packages 47 and 48 contain items responsive to keywords provided by the Defence and material to their preparation.
5. Pre-Trial INCRIM package 83 contains items related to witnesses P-0874, P-0885 and P-1021 whose identities cannot be disclosed at this stage. For this reason, the Prosecution applied redactions under code F to information that might reveal the witnesses’ identity and filed an application seeking the

delayed disclosure of the witnesses' identifying information,<sup>1</sup> as instructed by the Pre-Trial Chamber II.<sup>2</sup>

6. With concern to redactions, and in addition to the F redactions applied in Pre-Trial INCRIM package 83, the Prosecution applied standard redactions pursuant to the procedure for exceptions to disclosure that was stipulated by the Single Judge of the Pre-Trial Chamber II.<sup>3</sup>



---

**Karim A. A. Khan QC**

**Prosecutor**

Dated this 6<sup>th</sup> day of December 2021,

At The Hague, The Netherlands

---

<sup>1</sup> Prosecution's request to authorise delayed disclosure of witnesses' identities, 3 December 2021, ICC-02/05-01/20-527, Conf-Red.

<sup>2</sup> Decision on the Prosecutor's Request for Postponement of the Confirmation Hearing and related deadlines, 2 November 2020, ICC-02/05-01/20-196, para. 34.

<sup>3</sup> Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.