

Annex 1

Public

From: Trial Chamber I Communications
Sent: 03 February 2023 11:50
To: Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team
Cc: FS Items Communication; Associate Legal Officer-Court Officer; Trial Chamber I Communications
Subject: Second Decision on the submission of evidence through P-1048 and P-1049

Dear Counsel,
Dear colleagues,

The Chamber notes the submission of 9 items by the Prosecution following the testimonies of P-1048 and P-1049 (*see* email of 1 February 2023, at 09:45).

The Defence does not object to the submission of items 1-5 on the Prosecution's list of material for submission, but does object to the submission of items 6-9 (*see* e-mail of 1 February 2023, at 20:33).

The Chamber notes that the Prosecution is no longer intending to submit items 6-9 on its list for submission (*see* e-mail of 2 February 2023, at 16:08).

Noting that the submission of items 1-5 is unopposed, the Chamber hereby recognises these items as formally submitted.

The Chamber further notes, as did the parties, the correct ERN numbers of the following items referred to in the Chamber's previous e-mail decision on the submission of evidence through P-1048 and P-1049 (*see* e-mail of 31 January 2023, at 10:09, hereafter the 'First Decision') : the call of 6 April 2020 (DAR-OTP-0216-0127), its transcript (DAR-OTP-0215-6865) and respective translation (DAR-OTP-0215-8924); and the call of 7 April 2020 (DAR-OTP-0216-0128), its transcript (DAR-OTP-0215-6873) and respective translation (DAR-OTP-0215-8935).

For clarity, and in order to correct the above mistakes, the Chamber recognises as formally submitted through P-1048 and P-1049, the following items as per the First Decision and this decision:

ERN	Transcript/translation of	Witness (Transcript number)	Type	Title

DAR-OTP-0215-7063	N/A	P-1048 (T-106)/ P-1049 (T-108)	ICC Investigation notes/report/correspondence	1 INVESTIGATOR'S REPORT/Concerning and phone calls relating to the issue of Ali Muhammad Ali Abd-Al-Rahman also being known as ALI KUSHAYB
DAR-OTP-00000591	DAR-OTP-00000527	P-1048 (T-106)	Translation - ENG	1 Translation of Evidence
DAR-OTP-00000527	N/A	P-1048 (T-106)	Transcript	1 screen shot 1(2).jpg
DAR-OTP-0215-9698	N/A	P-1048 (T-106)/ P-1049 (T-108)	ICC Investigation notes/report/correspondence	1 INVESTIGATION REPORT/Videos and recorded phone calls with the Suspect
DAR-OTP-00000453	N/A	P-1048 (T-106)	Audio	1 Audio 1.wav
DAR-OTP-00000481	DAR-OTP-00000453	P-1048 (T-106)/ P-1049 (T-108)	Translation - ENG	Translation/Transcript of Audio/Video Material/Audio 1.wav

DAR-OTP-00000595	DAR-OTP-00000531	P-1048 (T-106)	Translation - ENG	Translation of Evidence
DAR-OTP-00000531	N/A	P-1048 (T-106)	Transcript	1 screen shot 5 (2).jpg
DAR-OTP-00000596	DAR-OTP-00000532	P-1048 (T-106)	Translation - ENG	1 Translation of Evidence
DAR-OTP-00000532	N/A	P-1048 (T-106)	Transcript	1 screen shot 6 (2).jpg
DAR-OTP-00000597	DAR-OTP-00000533	P-1048 (T-106)	Translation - ENG	1 Translation of Evidence
DAR-OTP-00000533	N/A	P-1048 (T-106)	Transcript	1 screen shot 7 (2).jpg
DAR-OTP-00000601	DAR-OTP-00000537	P-1048 (T-106)	Translation - ENG	1 Translation of Evidence
DAR-OTP-00000537	N/A	P-1048 (T-106)	Transcript	1 screen shot 11 (2).jpg
DAR-OTP-00000837	N/A	P-1048 (T-106)/ P-1049 (T-108)	ICC Investigation notes / report / correspondence	Annex to witness statement
DAR-OTP-0215-6799	DAR-OTP-0217-0030	P-1048 (T-106)	Translation - ENG	Translation of Evidence
DAR-OTP-0217-0030	N/A	P-1048 (T-106)	ICC Investigation notes/report/correspondence	INVESTIGATION REPORT/Audio and video forwarded by DAR-OTP-P-0869 prior to DAR-OTP-0216-0119

DAR-OTP-00000528	N/A	P-1049 (T-108)	Communication - E-message	screen shot 2(2).jpg
DAR-OTP-00000529	N/A	P-1049 (T-108)	Communication - E-message	screen shot 3(2).jpg
DAR-OTP-00000530	N/A	P-1049 (T-108)	Communication - E-message	screen shot 4(2).jpg
DAR-OTP-00000534	N/A	P-1049 (T-108)	Communication - E-message	screen shot 8 (2).jpg
DAR-OTP-00000535	N/A	P-1049 (T-108)	Communication - E-message	screen shot 9 (2).jpg
DAR-OTP-00000536	N/A	P-1049 (T-108)	Communication - E-message	screen shot 10 (2).jpg
DAR-OTP-00000539	N/A	P-1049 (T-108)	Communication - E-message	A.jpg
DAR-OTP-00000540	N/A	P-1049 (T-108)	Communication - E-message	B.jpg
DAR-OTP-00000541	N/A	P-1049 (T-108)	Communication - E-message	C.jpg
DAR-OTP-00000542	N/A	P-1049 (T-108)	Communication - E-message	D.jpg
DAR-OTP-00000543	N/A	P-1049 (T-108)	Communication - E-message	E.jpg
DAR-OTP-00000544	N/A	P-1049 (T-108)	Communication - E-message	F.jpg
DAR-OTP-00000545	N/A	P-1049 (T-108)	Communication - E-message	G.jpg
DAR-OTP-00000546	N/A	P-1049 (T-108)	Communication - E-message	H.jpg
DAR-OTP-00000547	N/A	P-1049 (T-108)	Communication - E-message	I.jpg
DAR-OTP-00000548	N/A	P-1049 (T-108)	Communication - E-message	J.jpg

DAR-OTP-00000592	DAR-OTP-00000528	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000593	DAR-OTP-00000529	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000594	DAR-OTP-00000530	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000598	DAR-OTP-00000534	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000599	DAR-OTP-00000535	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000600	DAR-OTP-00000536	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000607	DAR-OTP-00000539	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000608	DAR-OTP-00000540	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000609	DAR-OTP-00000541	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000610	DAR-OTP-00000542	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000611	DAR-OTP-00000543	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000612	DAR-OTP-00000544	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000613	DAR-OTP-00000545	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000614	DAR-OTP-00000546	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000615	DAR-OTP-00000547	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000617	DAR-OTP-00000548	P-1049 (T-108)	Translation - ENG	Translation of Evidence

DAR-OTP-0215-2766	N/A	P-1049 (T-108)	Media/Article	Legal measures against Ali Kushayb pushed him to surrender to ICC: Sudan's prosecution
DAR-OTP-0215-8950	DAR-OTP-0216-0129	P-1049 (T-108)	Translation - ENG	Translation / Transcription of Telephone Recording / 10042020
DAR-OTP-0219-3128	N/A	P-1049 (T-108)	ICC Investigation notes / report / correspondence	INVESTIGATION REPORT / Surrender of Ali Muhammad Ali Abd Rahman (Ali KUSHAYB) - 7 June 2020
DAR-OTP-0216-0120	N/A	P-1048 (T-105)	AK WhatsApp video 25032020.mp4	Audio/Video material

DAR-OTP-0216-0800	N/A	P-1048 (T-105)	Transcript of Audio / Video Material / AK WhatsApp video 25032020.mp4	Transcript
DAR-OTP-0216-0802	DAR-OTP-0216-0800	P-1048 (T-105)	Translation / AK WhatsApp video 25032020.mp4	Translation of Evidence
DAR-D31-0001-0002	N/A	P-1048 (T-106)	Diploma of General Medical Assistant	Certificate

DAR-OTP-0215-5829	N/A	P-1048 (T-106)	Technical Secondary Nursing Certificate	Certificate
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The Registry is therefore directed to proceed in accordance with paragraph 31(iv) of the Directions on the conduct of proceedings (filing 478).

Kind regards,



(on behalf of Trial Chamber I).

From: Trial Chamber I Communications
Sent: 31 January 2023 10:09
To: Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team
Cc: FS Items Communication; Associate Legal Officer-Court Officer; Trial Chamber I Communications
Subject: Decision on submission of evidence through P-1048 and P-1049

Dear all,

In accordance with Article 69(3) of the Rome Statute and following P-1048's and P-1049's testimony, the Chamber has identified the following items to be recognised as formally submitted into evidence:

ERN	Transcript/translation of	Witness (Transcript number)	Type	Title
DAR-OTP-0215-7063	N/A	P-1048 (T-106)/ P-1049 (T-108)	ICC Investigation notes/report/correspondence	1 INVESTIGATOR'S REPORT/Concerning and phone calls relating to the issue of Ali Muhammad Ali Abd-Al-Rahman also being known as ALI KUSHAYB
DAR-OTP-00000591	DAR-OTP-00000527	P-1048 (T-106)	Translation - ENG	1 Translation of Evidence
DAR-OTP-00000527	N/A	P-1048 (T-106)	Transcript	1 screen shot 1(2).jpg

DAR-OTP-0215-9698	N/A	P-1048 (T-106)/ P-1049 (T-108)	ICC Investigation notes/report/correspondence	1 INVESTIGATION REPORT/Videos and recorded phone calls with the Suspect
DAR-OTP-00000453	N/A	P-1048 (T-106)	Audio	1 Audio 1.wav
DAR-OTP-00000481	DAR-OTP-00000453	P-1048 (T-106)/ P-1049 (T-108)	Translation - ENG	Translation/Transcript of Audio/Video Material/Audio 1.wav
DAR-OTP-00000595	DAR-OTP-00000531	P-1048 (T-106)	Translation - ENG	Translation of Evidence
DAR-OTP-00000531	N/A	P-1048 (T-106)	Transcript	1 screen shot 5 (2).jpg
DAR-OTP-00000596	DAR-OTP-00000532	P-1048 (T-106)	Translation - ENG	1 Translation of Evidence
DAR-OTP-00000532	N/A	P-1048 (T-106)	Transcript	1 screen shot 6 (2).jpg
DAR-OTP-00000597	DAR-OTP-00000533	P-1048 (T-106)	Translation - ENG	1 Translation of Evidence
DAR-OTP-00000533	N/A	P-1048 (T-106)	Transcript	1 screen shot 7 (2).jpg
DAR-OTP-00000601	DAR-OTP-00000537	P-1048 (T-106)	Translation - ENG	1 Translation of Evidence
DAR-OTP-00000537	N/A	P-1048 (T-106)	Transcript	1 screen shot 11 (2).jpg

DAR-OTP-00000837	N/A	P-1048 (T-106)/ P-1049 (T-108)	ICC Investigation notes / report / correspondence	Annex to witness statement
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DAR-OTP-00000528	N/A	P-1049 (T-108)	Communication - E-message	screen shot 2(2).jpg
DAR-OTP-00000529	N/A	P-1049 (T-108)	Communication - E-message	screen shot 3(2).jpg
DAR-OTP-00000530	N/A	P-1049 (T-108)	Communication - E-message	screen shot 4(2).jpg
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DAR-OTP-00000539	N/A	P-1049 (T-108)	Communication - E-message	A.jpg
DAR-OTP-00000540	N/A	P-1049 (T-108)	Communication - E-message	B.jpg
DAR-OTP-00000541	N/A	P-1049 (T-108)	Communication - E-message	C.jpg

DAR-OTP-00000542	N/A	P-1049 (T-108)	Communication - E-message	D.jpg
DAR-OTP-00000543	N/A	P-1049 (T-108)	Communication - E-message	E.jpg
DAR-OTP-00000544	N/A	P-1049 (T-108)	Communication - E-message	F.jpg
DAR-OTP-00000545	N/A	P-1049 (T-108)	Communication - E-message	G.jpg
DAR-OTP-00000546	N/A	P-1049 (T-108)	Communication - E-message	H.jpg
DAR-OTP-00000547	N/A	P-1049 (T-108)	Communication - E-message	I.jpg
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DAR-OTP-00000593	DAR-OTP-00000529	P-1049 (T-108)	Translation - ENG	Translation of Evidence
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DAR-OTP-00000600	DAR-OTP-00000536	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000607	DAR-OTP-00000539	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000608	DAR-OTP-00000540	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000609	DAR-OTP-00000541	P-1049 (T-108)	Translation - ENG	Translation of Evidence

DAR-OTP-00000610	DAR-OTP-00000542	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000611	DAR-OTP-00000543	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000612	DAR-OTP-00000544	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000613	DAR-OTP-00000545	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000614	DAR-OTP-00000546	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000615	DAR-OTP-00000547	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-00000617	DAR-OTP-00000548	P-1049 (T-108)	Translation - ENG	Translation of Evidence
DAR-OTP-0215-2766	N/A	P-1049 (T-108)	Media/Article	Legal measures against Ali Kushayb pushed him to surrender to ICC: Sudan's prosecution
DAR-OTP-0215-8950	DAR-OTP-0216-0129	P-1049 (T-108)	Translation - ENG	Translation / Transcription of Telephone Recording / 10042020

DAR-OTP-0219-3128	N/A	P-1049 (T-108)	ICC Investigation notes / report / correspondence	INVESTIGATION REPORT / Surrender of Ali Muhammad Ali Abd Rahman (Ali KUSHAYB) - 7 June 2020
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Since all the items above were discussed during the testimonies of P-1048 and P-1049, their formal submission is necessary for the completeness of the record. In accordance with the procedure established in the Directions on the Conduct of Proceedings, the Chamber hereby orders the Registry to reflect the items above as formally submitted in the eCourt metadata.

The formal submission of the aforesaid items is without prejudice to the Chamber's pending decision on the admissibility of the video (DAR-OTP-0216-0119), its transcript (DAR-OTP-0216-0795) and corresponding translation (DAR-OTP-0216-0797); the call of 6 April 2020 (DAR-OTP-0216-0127), its transcript and respective translation (DAR-OTP-0215-8935 and DAR-OTP-0216-0128); and the call of 7 April 2020 (DAR-OTP-0216-0128), its transcript (DAR-OTP-0215-6873) and respective translation (DAR-OTP-0215-6974 and DAR-OTP-0215-8935).

Kind regards,



(on behalf of Trial Chamber I)