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N°: ICC-02/05-01/20

Date: 19 May 2023

**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 1 and its Public Redacted Version**

**Registry's Report on Evidence Recognised as Formally Submitted by the Chamber  
for Witness DAR-OTP-P-0769**

**Source : Registry**

**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

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**

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**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. Introduction

1. The Registry submits the present report (“Registry Report”) and its two annexes consisting of a confidential version of items recognized as evidence formally submitted and its public redacted version, pursuant to the “Directions on the conduct of proceedings” (“Directions”),<sup>1</sup> issued on 4 October 2021 by Trial Chamber I (“Chamber”).

## II. Procedural History

2. On 4 October 2021, the Chamber issued its Directions, in which it directed the Registry to: “[...] reflect all formally submitted items in the eCourt metadata [...]”, and to “[...] submit reports for each witness who testifies, indicating which items have been formally submitted by the parties and participants in relation to that witness. The email exchanges [...] are to be annexed to this filing, applying redactions as appropriate”.<sup>2</sup>
3. On 11 November 2022, the Office of the Prosecutor (“Prosecution”) called its forty-fifth witness. After the conclusion of the examination of witness P-0769, parties formally submitted items used during the hearings as instructed in the Directions.
4. On 28 November 2022, the Chamber issued the decision on items of evidence recognised as formally submitted for witness P-0769 via email.<sup>3</sup> Pursuant to the Directions, the Registry was instructed to apply redactions as appropriate to the emails enclosed in Annex 1 to the filing.

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<sup>1</sup> Trial Chamber I, Directions on the conduct of proceedings, ICC-02/05-01/20-478, 4 October 2021.

<sup>2</sup> *Ibid*, para. 31(iv).

<sup>3</sup> Email sent by Trial Chamber I Communications on 28 November 2022 at 16:03.

### III. Applicable law

5. For the purpose of the present submission, the Registry has considered *inter alia* articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

### IV. Submission

6. The Registry hereby attaches confidential Annex 1:  
- **Annex 1:** "Decision on the submission of evidence through P-0769."
7. In order to enable the parties and participants to suggest specific additional redactions to Annex 1, the Registry liaised by email with the Prosecution, the Defence, and the Legal Representatives of the Victims ("LRVs").<sup>4</sup> Further redactions were proposed by the Prosecution.<sup>5</sup> The Defence and LRVs had no further redactions to propose.<sup>6</sup>
8. Accordingly, the Registry applied redactions to the emails set forth in the following public redacted version of Annex 1: "Decision on the submission of evidence through P-0769", dated 28 November 2022 at 16:03.



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p.p. Marc Dubuisson  
Director, Division of Judicial Services  
On behalf of Mr Osvaldo Zavala Giler, Registrar

Dated this 19 May 2023

At The Hague, The Netherlands

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<sup>4</sup> Email sent by the Associate Legal Officer/Courtroom Officer, on 10 December at 15 :32 attaching Annex 1.

<sup>5</sup> The Registry received a response from the Prosecution with additional redactions to Annex 1 on 13 December 2022 at 9:47.

<sup>6</sup> The Registry received responses from the Legal Representatives of Victims and Defence on 14 December 2022 at 9:37 and 12:29 respectively.