

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 8 May 2024

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 9 November 2023 and 8 May 2024**

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

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Legal Representatives of the Victims

Ms Natalie von Wistinghausen
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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 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. Between 7 November 2023 and 7 May 2024, the Prosecution disclosed to the parties and participants 17 packages of evidence, consisting of 439 unique items:

- Trial Rule 77 package 173, containing four items;¹
- Trial Rule 77 package 174, containing 19 items;²
- Trial Rule 77 package 175, containing two items;³
- Trial Rule 77 package 176, containing one item;⁴
- Trial Rule 77 package 177, containing one item;⁵
- Trial Rule 77 package 178, containing two items;⁶
- Trial Rule 77 package 179, containing 84 items;⁷
- Trial INCRIM package 193, containing 247 items;⁸

¹ Disclosed on 9 November 2023.

² Disclosed on 1 December 2023.

³ Disclosed on 1 December 2023.

⁴ Disclosed on 6 December 2023.

⁵ Disclosed on 19 January 2024.

⁶ Disclosed on 23 February 2024.

⁷ Disclosed on 15 March 2024.

⁸ Disclosed on 16 November 2023.

- Trial INCRIM package 194, containing 47 items;⁹
- Trial INCRIM package 195, containing one item;¹⁰
- Trial INCRIM package 196, containing six items;¹¹
- Trial INCRIM package 197, containing 24 items;¹²
- Trial Image Update package 17, containing 17 items;¹³
- Trial Image Update package 18, containing 27 items;¹⁴
- Trial Metadata Update package 35, containing two items;¹⁵
- Trial Metadata Update package 36, containing one item;¹⁶ and
- Trial PEXO package 05, containing one item.¹⁷

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 2020.¹⁸



Karim A. A. Khan KC
Prosecutor

Dated this 8th day of May 2024,
At The Hague, The Netherlands

⁹ Disclosed on 17 November 2023.

¹⁰ Disclosed on 17 November 2023.

¹¹ Disclosed on 20 November 2023.

¹² Disclosed on 22 April 2024.

¹³ Disclosed on 4 December 2023.

¹⁴ Disclosed on 6 December 2023.

¹⁵ Disclosed on 17 November 2023.

¹⁶ Disclosed on 17 November 2023.

¹⁷ Disclosed on 4 March 2024.

¹⁸ Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.