

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: ICC-02/05-01/20  
Date: 8 November 2020

**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**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Section**

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 lists of evidence disclosed to the Defence. This annex is classified as confidential since it contains confidential information.

## III. SUBMISSIONS

3. On 5 November 2021, the Prosecution disclosed to the Defence the following two packages of evidence consisting of 47 items (843 pages).

- Pre-Trial Rule 77 package 44 containing 12 items (36 pages) that are expenses related to certain provisional trial witnesses, as well as other items which are material to the preparation of the Defence; and
- Pre-Trial INCRIM package 78 containing 35 items (807 pages) including material related to seven witnesses<sup>1</sup> that are being re-disclosed with certain redactions now lifted, along with the revised version of the transcripts of witness DAR-OTP-P-0905’s interview.

4. The items disclosed in the Pre-Trial INCRIM package 78 may also contain information material to the preparation of the Defence pursuant to rule 77 of the Rules of Procedure and Evidence and/or subject to article 67(2) of the Rome Statute.

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<sup>1</sup> DAR-OTP-P-0011, DAR-OTP-P-0059, DAR-OTP-P-0119, DAR-OTP-P-0755, DAR-OTP-P-0816, DAR-OTP-P-0868 and DAR-OTP-P-0912.

5. With respect to redactions, the Prosecution re-disclosed items with fewer redactions and applied “standard” redactions to new items as stipulated in the procedure for exceptions to disclosure that was adopted in this case by the Single Judge of Pre-Trial Chamber II on 17 August 2020.<sup>2</sup>



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**Karim A. A. Khan QC**  
**Prosecutor**

Dated this 8<sup>th</sup> day of November 2021

At The Hague, The Netherlands

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<sup>2</sup> *Prosecutor v. Abd-Al-Rahman (“Ali Kushayb”)*, Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.