

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **1 March 2022**

**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

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Mr Nasser Mohamed Amin Abdalla

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

## III. SUBMISSIONS

3. On 25 and 28 February 2022, the Prosecution disclosed to the Defence three packages of evidence, consisting of 27 items (119 pages):
  - Pre-Trial INCRIM package 105, consisting of 12 items (79 pages), including material related to witnesses DAR-OTP-P-0878 and DAR-OTP-P-0916;
  - Pre-Trial Rule 77 package 64, consisting of 14 items (34 pages), including material related to ten witnesses;<sup>1</sup> and
  - Pre-Trial Rule 77 package 65, containing one item (six pages), including material related to DAR-OTP-P-0584.
4. With respect to redactions, the Prosecution re-disclosed items with less redactions and applied “standard” redactions to new items pursuant to the

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<sup>1</sup> DAR-OTP-P-0096, DAR-OTP-P-0558, DAR-OTP-P-0606, DAR-OTP-P-0671, DAR-OTP-P-0673, DAR-OTP-P-0675, DAR-OTP-P-0697, DAR-OTP-P-0725, DAR-OTP-P-0882, and DAR-OTP-P-0894.

procedure for exceptions to disclosure adopted 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 1<sup>st</sup> day of March 2022,  
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.