

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 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**

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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 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. Between 22 and 25 March 2022, the Prosecution disclosed to the Defence seven packages of evidence consisting of 72 items (298 pages):
 - Pre-Trial INCRIM package 109, containing 21 items (115 pages), including material related to 5 witnesses;¹
 - Pre-Trial INCRIM package 110, consisting of 10 items (63 pages), including material related to DAR-OTP-P-0999;
 - Pre-Trial Rule 77 package 69, containing 5 items (18 pages), including material related to DAR-OTP-P-0087;
 - Pre-Trial Rule 77 package 70, consisting of 7 items (32 pages), including material related to 4 witnesses;²
 - Pre-Trial Rule 77 package 71, consisting of 2 items (13 pages), including material related to DAR-OTP-P-1042;
 - Pre-Trial Metadata Re-issue package 23, consisting of 24 items (51 pages) with certain metadata fields re-issued;³ and

¹ DAR-OTP-P-0877, DAR-OTP-P-0916, DAR-OTP-P-0922, DAR-OTP-P-1018 and DAR-OTP-P-1040.

² DAR-OTP-P-0712, DAR-OTP-P-0718, DAR-OTP-P-0736, and DAR-OTP-P-0850.

³ Source Identity; Chain of Custody notes; ICC-02/05-01/20 Related to witness; Main Date; and Language of the Item.

- Pre-Trial Image update package 03, consisting of 3 items (6 pages), including one item related to DAR-OTP-P-0585,⁴ and two items related to the biometric examination of Mr Abd-Al-Rahman.⁵
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 2020.⁶



Karim A. A. Khan QC
Prosecutor

Dated this 28th day of March 2022

At The Hague, The Netherlands

⁴ Item DAR-OTP-0219-8558 was re-disclosed because the image did not properly fit the page.

⁵ Item DAR-OTP-0221-1374 was re-disclosed because its ERN did not correspond to the correct image; and item DAR-OTP-0221-2053 was re-disclosed after a correction to its content.

⁶ Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.