

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **9 May 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
Ms Nazhat Shameem Khan
Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci
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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 April and 9 May 2022, the Prosecution disclosed to the Defence 8 packages of evidence, consisting of 68 items (359 pages):
 - Pre-Trial INCRIM package 119, consisting of 11 items (11 pages), including material related to DAR-OTP-P-0736;
 - Pre-Trial INCRIM package 120, consisting of 3 items (72 pages), including material related to 2 witnesses;¹
 - Pre-Trial INCRIM package 121, consisting of 7 items (41 pages), including material related to 4 witnesses;²
 - Pre-Trial INCRIM package 122, consisting of 4 items (38 pages), including material related to 2 witnesses;³
 - Pre-Trial INCRIM package 123, consisting of 17 items (39 pages), including material related to 2 witnesses;⁴

¹ DAR-OTP-P-0188 and DAR-OTP-P-0712.

² DAR-OTP-P-0119, DAR-OTP-P-0651, DAR-OTP-P-0877, and DAR-OTP-P-0980.

³ DAR-OTP-P-0119 and DAR-OTP-P-0990.

⁴ DAR-OTP-P-0922 and DAR-OTP-P-0980.

- Pre-Trial Rule 77 package 81, consisting of 10 items (82 pages), including material related to 6 witnesses;⁵
- Pre-Trial Rule 77 package 82, consisting of 10 items (29 pages), including material related to 5 witnesses;⁶ and
- Pre-Trial Rule 77 package 83, consisting of 6 items (47 pages), including material related to 3 witnesses.⁷

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 2020.⁸



Karim A. A. Khan QC
Prosecutor

Dated this 9th day of May 2022,
At The Hague, The Netherlands

⁵ DAR-OTP-P-0091, DAR-OTP-P-0617, DAR-OTP-P-0651, DAR-OTP-P-0671, DAR-OTP-P-0882, and DAR-OTP-P-1010.

⁶ DAR-OTP-P-0120, DAR-OTP-P-0584, DAR-OTP-P-0651, DAR-OTP-P-0736, and DAR-OTP-P-0867. The items related to DAR-OTP-P-0120 are DAR-OTP-0220-3854, DAR-OTP-3855, DAR-OTP-3856, and DAR-OTP-0220-3861. They were re-disclosed by the Defence and bear the following ERNs: DAR-D31-0009-0002, DAR-D31-0009-0001, DAR-D31-0009-0003, and DAR-D31-0008-0021, respectively.

⁷ DAR-OTP-P-0119, DAR-OTP-P-0718 and DAR-OTP-P-0990.

⁸ Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116, paras. 12-13.