



Original : English

N°: ICC-02/05-01/20
Date: 01 September 2022

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 Public Redacted Annexes 1 to 12
and
Confidential Annexes 1 to 7, and 10 to 12
Confidential *EX PARTE* Annexes 8 and 9 only available to the VPRS
Third Registry Quarterly Report on Decisions issued by way of e-mail from
May to July 2022

Source : Registry

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**

Ms Paolina Massidda

**The Office of Public Counsel for the
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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 Registry submits with the present report and its 12 annexes, the public redacted and confidential versions of email decisions pursuant to the “Directions on the conduct of proceedings”¹ (“Directions”), issued on 4 October 2021 by Trial Chamber I (“Chamber”).²

II. Procedural History

2. On 4 October 2021, the Chamber issued the Directions instructing the Registry to file all email decisions on the case record in quarterly reports starting 1 November 2021.³
3. The Chamber directed the parties and participants to: i) frame their requests made by email in a way that make their publicity possible; and ii) indicate in the email when emails cannot be made public at all.⁴

III. Classification

4. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, some of the annexes are classified as “confidential” because they refer to sensitive information that should not be disclosed to the public.

IV. Applicable law

5. For the purpose of the present submission, the Registry has considered articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

V. Submissions

¹ Trial Chamber I, Directions on the conduct of proceedings, ICC-02/05-01/20-478, 4 October 2021.

² *Ibid.*, para. 74.

³ *Ibid.*

⁴ *Ibid.*, para 75.

6. In the Directions, the Chamber provided criteria for the application of the redactions to the email decisions. The Registry was instructed *inter alia* to apply redactions to i) names of Chambers staff members, where applicable; ii) names of Registry staff members, if deemed necessary by the Registry; and iii) any personal email address or other private or personal information. The Registry shall consult the participants on the redactions applied.⁵
7. In order to enable the parties and participants to suggest specific additional redactions, the Registry liaised with the Prosecution, the Defence, the Legal Representatives of Victims (“LRVs”), and relevant sections of the Registry.⁶
8. Redaction proposals were received from the Prosecution,⁷ the Victims Participation and Reparation Section,⁸ and the LRVs.⁹
9. Accordingly, the Registry applied redactions to the emails set forth in the following 12 annexes:
 - **Annex 1:** RE: Request for reclassification - Filing 575-Conf, dated 5 May 2022 at 14:39;
 - **Annex 2:** RE: Updated Calling Order until 1 July 2022 - further update, dated 23 May 2022 at 16:53;
 - **Annex 3:** Potential dual status witnesses, dated 25 May 2022 at 14:23;
 - **Annex 4:** Decision on in-court protective measures for witness DAR-P-0720, dated 03 June 2022 at 15:07;
 - **Annex 5:** RE: Outcome Vulnerability Assessment DAR-OTP-P-0720, dated 3 June 2022 at 15:14;

⁵ *Ibid*, para. 75.

⁶ Emails sent by the Courtroom Officer/Associate Legal Officer on 1 May 2022 at 15:02 and 15:03.

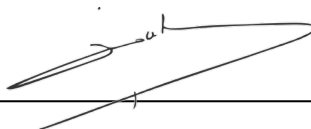
⁷ Email sent by the Prosecution on 17 August 2022 at 14:30 containing annexes with proposals for further redactions.

⁸ Email sent by the VPRS on 17 August 2022 at 14:35 containing annexes with proposals for further redactions.

⁹ Email sent by the LRVs on 18 August 2022 at 11:28 containing annexes with proposals for further redactions.

- **Annex 6:** Decision on in-court protective measures for witness DAR-P-0718, dated 13 June 2022 at 16:31;
- **Annex 7:** RE: Outcome of Vulnerability Assessment DAR-OTP-P-0718, dated 13 June 2022 at 16:33;
- **Annex 8:** RE: VPRS request: Abd-Al-Rahman Case Disclosure procedure potential dual status individual, dated 15 June 2022 at 11:55;
- **Annex 9:** RE: VPRS request to TC I on R94 (2) notification, dated 17 June 2022 at 14:42;
- **Annex 10:** Decision on In-court protective measures for witness DAR-P-0726, dated 29 June 2022 at 15:14;
- **Annex 11:** Decision on use of Rule 68 (3) for witnesses testifying in July 2022, dated 30 June 2022 at 13:18; and,
- **Annex 12:** RE: Outcome of Vulnerability Assessment DAR-OTP-P-0643, dated 04 July 2022 at 10:15.

10. In addition, the Registry simultaneously submits the 12 annexes listed above in their confidential classification.



Marc Dubuisson
Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 01 September 2022

At The Hague, The Netherlands