

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-02/05-01/20

Date: 2 October 2020

PRE-TRIAL CHAMBER II

Before:

Judge Rosario Salvatore Aitala, Single Judge

SITUATION IN DARFUR, SUDAN

IN THE CASE OF

***THE PROSECUTOR v. ALI MUHAMMAD ALI ABD-AL-RAHMAN ('ALI
KUSHAYB')***

CONFIDENTIAL

EX PARTE, only available to the Prosecutor, the Defence, and the Registry

Decision on the Registry's Request for Reclassification

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Julian Nicholls

Counsel for Mr Abd-Al-Rahman

Mr Cyril Laucci

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

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

Detention Section

**Victims Participation and Reparations
Section**

Other

JUDGE ROSARIO SALVATORE AITALA, acting as Single Judge on behalf of Pre-Trial Chamber II of the International Criminal Court,¹ in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')* (the '*Abd-Al-Rahman case*'), having regard to regulation 23bis(3) of the Regulations of the Court (the '*Regulations*'), issues this Decision on the Registry's Request for Reclassification.

1. The Single Judge recalls the procedural history of the case as set out in previous decisions.²
2. On 17 September 2020, the Registry submitted a request to reclassify filings ICC-02/05-01/07-77-SECRET-Exp and ICC-02/05-01/07-78-SECRET-Exp as confidential, *ex parte*, available to the Defence and the OTP only, submitting that there is no longer any reason to maintain the existing classification level (the '*Request*').³ The Registry submits that should the Request be granted, it would not object to the Request also being reclassified as confidential, *ex parte*, to the Defence and the Prosecutor only.
3. Considering that the basis for the current classification of filings ICC-02/05-01/07-77-SECRET-Exp and ICC-02/05-01/07-78-SECRET-Exp no longer exists, the Single Judge directs that the filings shall be reclassified as confidential, *ex parte*, to the Defence, Prosecutor, and Registry only. Furthermore, the Request shall also be reclassified as confidential, *ex parte*, to the Defence, Prosecutor, and Registry only.

¹ Decision on the designation of a Single Judge, 9 June 2020, [ICC-02/05-01/07-80](#).

² See, for example, Decision on the Defence Request to provide written reasoning for two oral decisions, 18 August 2020, [ICC-02/05-01/20-118](#), paras 1-4.

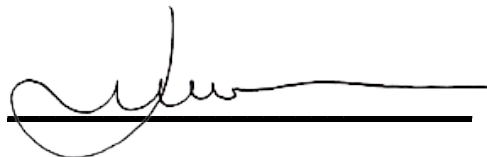
³ Registry Request for Reclassification, ICC-02/05-01/20-158-SECRET-Exp.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Request; and

ORDERS that filings ICC-02/05-01/07-77-SECRET-Exp, ICC-02/05-01/07-78-SECRET-Exp, and ICC-02/05-01/20-158-SECRET-Exp be reclassified as confidential, *ex parte*, to the Defence, Prosecutor, and Registry only.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid black horizontal line.

Judge Rosario Salvatore Aitala

Single Judge

Dated this Friday, 2 October 2020

At The Hague, The Netherlands