



Original : English

Nº: ICC-02/05-01/20

Date: 16 July 2021

THE PRESIDENCY

Before: Judge Piotr Hofmański, President
Judge Luz del Carmen Ibáñez Carranza, First Vice-President
Judge Antoine Kesia-Mbe Mindua, Second Vice-President

SITUATION IN DARFUR, SUDAN

IN THE CASE OF

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

Public

With Confidential EX PARTE Annexes 1 to 3 only available to the Presidency

**Transmission to the Presidency of the record of the proceedings, including the
Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-
Rahman ("Ali Kushayb")**

Source: Registry

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

Mr James Stewart

Counsel for Ali Muhammad Ali Abd-Al-Rahman

Mr Cyril Laucci

Legal Representatives of the Victims

Ms Amal Clooney

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

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Other
Pre-Trial Chamber II**

THE REGISTRY of the International Criminal Court (“the Court”);

I. Introduction

1. On 9 July 2021, Pre-Trial Chamber II (“Chamber”) issued its “Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)” (“Decision”)¹ in which it ordered *inter alia* the Registrar to transmit the decision on the confirmation of charges and the record of these proceedings to the Presidency.²
2. In addition, the Chamber ordered the Registry to make appropriate arrangements so as to ensure that the translation of the Decision confirming the charges is completed without delay.³

II. Level of confidentiality

3. Annexes 1 to 3 to the present transmission are classified as confidential *ex parte* only available to the Presidency as they refer to secret, under seal, confidential and confidential *ex parte* submissions that should only be accessible to the Presidency at this stage of the proceedings.

III. Applicable law

4. This filing is submitted pursuant to rule 129 of the Rules of Procedure and evidence, regulation 23bis (1) of the Regulations of the Court and in compliance with the Decision.

IV. Submission

¹ Pre-Trial Chamber II, Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’), ICC-02/05-01/20-433, 9 July 2021.

² *Ibid.*, p.71.

³ *Ibid.*

5. The Registry hereby transmits to the Presidency the record of the proceedings as follows:

- **Annex 1** : (Index of) all Court Records in the case.
- **Annex 2** : (Index of) all Transcripts in the case.
- **Annex 3** : (Index of) all Evidentiary material registered in the case.

6. Finally, the Registry hereby submits to the Presidency that arrangements regarding the requested translation of the Decision have been initiated with the Language Services Section. Upon completion of the translation, the Registry will inform the Presidency and notify the relevant entities of the translation accordingly.

p.p. 

Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 16 July 2021

At The Hague, The Netherlands