



Original : English

N°: ICC-02/05-01/20

Date: 01 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 Public Annexes 1 to 11
and
Confidential Annexes 1 to 11

First Registry Quarterly Report on Decisions issued by way of e-mail from
1 November 2021 to 31 January 2022

Source : Registry

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
Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci
Mr Iain Edwards

Legal Representatives of the Victims

Ms Natalie von Wistinghausen
Mr Nasser Mohamed Amin Abdalla

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
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Mr Pieter Vanaverbeke

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 11 annexes, the public 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 23bis(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 considered articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

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.

V. Submissions

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, Registry liaised with the Prosecution, the Defence, the Legal Representatives of Victims, the Victims Participation and Reparations Section, and the Counsel Support Section.⁶
8. The Legal Representatives of Victims had no further proposals.⁷ Redaction proposals were received from the Prosecution and subsequently applied by the Registry.⁸
9. Accordingly, the Registry applied redactions to emails set forth in the following 11 annexes and submits their public versions:
 - **Annex 1:** Schedule and agenda - Status conference 8 September 2021, dated 07 September 2021 at 11:49;
 - **Annex 2:** Page limits - written submissions, dated 10 September 2021 at 16:27;
 - **Annex 3:** FW: The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-482 - questions to the Trial Chamber, dated 09 November 2021 at 15:14;

⁵ *Ibid*, para. 75.

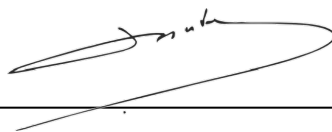
⁶ Emails sent by the Courtroom Officer/Associate Legal Officer on 24 February 2022 at 12:24.

⁷ Emails sent by the Legal Representatives of Victims dated 24 February 2022 at 13:11.

⁸ Email sent by the Prosecution on 25 February at 10:24 containing further redactions to annexes 5 and 9.

- **Annex 4:** FW: Requests to attend remotely the status conference on 17 December, dated 13 December 2021 at 09:46;
- **Annex 5:** FW: Request for remote attendance, dated 13 December 2021 at 09:46;
- **Annex 6:** RE: Decision on Ms von Wistinghausen's e-mail on remote attendance, dated 16 December 2021 at 13:43;
- **Annex 7:** Additional agenda items - Status Conference 17 December 2021, dated 16 December 2021 at 16:26;
- **Annex 8:** RE: Date of filing of Public Redacted Version of the Prosecution's Pre-Trial Brief, dated 16 December 2021 at 21:32;
- **Annex 9:** RE: Time limit to respond to application #555 (2nd R68(3) application), dated 19 January 2022 at 13:19;
- **Annex 10:** RE: Request for a page-limit extension, dated 28 January 2022 at 17:23; and,
- **Annex 11:** Agenda Status Conference (7-9 January 2022), dated 31 January 2022 at 14:24.

10. In addition, the Registry simultaneously submits the confidential versions of the 11 annexes listed above.



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

Dated this 01 March 2022

At The Hague, The Netherlands