



Original : English

N°: ICC-02/05-01/20

Date: 19 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 Public Redacted Annexes 1 to 32
and
Confidential Annexes 1 to 3, 5 to 15, 18, 19, and 21 to 32
Confidential *EX PARTE* Annex 4 only available to the Legal Representatives of
Victims
Confidential *EX PARTE* Annex 16 only available to the Defence
Confidential *EX PARTE* Annex 17 only available to the Defence and Detention
Confidential *EX PARTE* Annex 20 only available to the Prosecution

Second Registry Quarterly Report on Decisions issued by way of e-mail from
February to April 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

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

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. Introduction

1. The Registry submits with the present report and its 32 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.

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 Chamber also directed the Registry to 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. The LRVs,⁷ the Victims Participation and Reparations Section,⁸ and the Detention Section⁹ had no further proposals.¹⁰ Redaction proposals were received from the Prosecution.¹¹
9. Accordingly, the Registry applied redactions to the emails set forth in the following 32 annexes:
 - **Annex 1:** Updated schedule: Agenda Status Conference (7-9 February 2022), dated 03 February 2022 at 10:07;
 - **Annex 2:** RE: Updated schedule: Agenda Status Conference (7-9 February 2022), dated 03 February 2022 at 16:58;

⁵ *Ibid*, para. 75.

⁶ Emails sent by the Courtroom Officer/Associate Legal Officer on 1 May 2022 at 14:11 and 14:12.

⁷ Email sent by the LRVs dated 2 May 2022 at 10:09.

⁸ Email sent by the Victims Participation and Reparation Section dated 2 May 2022 at 10:05.

⁹ Email sent by the Detention Section dated 16 May 2022 at 16:40.

¹⁰ Email sent by the LRVs dated 2 May 2022 at 10:09.

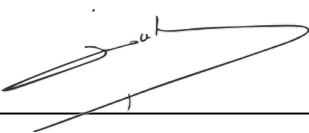
¹¹ Email sent by the Prosecution on 4 May 2022 at 17:24 containing annexes with proposals for further redactions.

- **Annex 3:** Updated schedule: Agenda Status Conference (7-9 February 2022), dated 04 February 2022 at 10:52;
- **Annex 4:** RE: Council Request for Remote attendance for Status Conference on 07 February 2022., dated 04 February 2022 at 14:00;
- **Annex 5:** RE: Updated schedule: Agenda Status Conference (7-9 February 2022), dated 04 February 2022 at 15:09;
- **Annex 6:** RE: Updated schedule: Agenda Status Conference (7-9 February 2022), dated 04 February 2022 at 17:37;
- **Annex 7:** RE: Request for reclassification, dated 04 February 2022 at 18:20;
- **Annex 8:** RE: Request for Reclassification ICC-02/05-01/20-550-Conf-Exp-Anx17 and ICC-02/05-01/20-581-Conf-Exp-AnxA17, dated 10 February 2022 at 11:24;
- **Annex 9:** Languages to be used during the trial proceedings, dated 11 February 2022 at 09:19;
- **Annex 10:** RE: Request for Extension of Pages to Respond to Application ICC-02/05-01/20-580-Conf, dated 16 February 2022 at 09:28;
- **Annex 11:** RE: Registry's Report on Languages to be used at Trial by Prosecution Witnesses, dated 25 February 2022 at 17:45;
- **Annex 12:** Request for in-court protective measures (filing 609-Conf-Exp), dated 28 February 2022 at 11:51;
- **Annex 13:** RE: Request for in-court protective measures (filing 609-Conf-Exp), dated 28 February 2022 at 12:22;
- **Annex 14:** RE: Registry's Report on Languages to be used at Trial by Prosecution Witnesses, dated 28 February 2022 at 16:07;
- **Annex 15:** FW: Request for extension of Pages (Defence Trial Brief), dated 02 March 2022 at 14:04;
- **Annex 16:** FW: Registry's Report on Languages to be used at Trial by Prosecution Witnesses, dated 02 March 2022 at 14:23;
- **Annex 17:** RE: Status Conference in Abd-Al-Rahman case 08 March 2022, dated 02 March 2022 at 17:57;

- **Annex 18:** RE: Registry's Report on Languages to be used at Trial by Prosecution Witnesses, dated 03 March 2022 at 10:33;
- **Annex 19:** RE: Registry's Report on Languages to be used at Trial by Prosecution Witnesses, dated 03 March 2022 at 15:10;
- **Annex 20:** Filing 609-Conf-Exp, dated 03 March 2022 at 17:33;
- **Annex 21:** RE: Page limit for submission on admissibility of EVD of Alias collected after Confirmation Hearing, dated 17 March 2022 at 14:10;
- **Annex 22:** RE: Request for a limited extension of pages to respond to the Application ICC-02/05-01/20-624-Conf, dated 21 March 2022 at 12:51;
- **Annex 23:** Time limits - further submissions admissibility of evidence, dated 25 March 2022 at 08:36;
- **Annex 24:** RE: Reclassification of ICC-02/05-01/20-550-Conf-Exp-Anx6 and ICC-02/05-01/20-550-Conf-Exp-Anx17, dated 29 March 2022 at 09:52;
- **Annex 25:** Decision on the VPRS request in Abd Al Rahman case: disclosure of applications of dual status individuals, dated 30 March 2022 at 10:33;
- **Annex 26:** Decision on the 'Objection en vertu du paragraphe 17 des « Directions on the Conduct of the Proceedings »' (ICC-02/05-01/20-478), dated 01 April 2022 at 16:30;
- **Annex 27:** RE: Additional video to be played during opening, dated 04 April 2022 at 13:56;
- **Annex 28:** FW: in-court protective measures report DAR-0736, dated 25 April 2022 at 12:22;
- **Annex 29:** FW: in-court protective measures report DAR-0736, dated 25 April 2022 at 15:37;
- **Annex 30:** RE: In-court protection measures for witness DAR-P-0712, dated 26 April 2022 at 16:42;
- **Annex 31:** Decision on in-court protection measures for witness DAR-P-0120, dated 28 April at 2022 09:02; and,

- **Annex 32:** FW: Request for Disclosure of Video-Recording of Witness P-0903 Preparation Session (sect. 13 of Witness Preparation Protocol), dated 29 April 2022 at 10:05.

10. In addition, the Registry simultaneously submits the 32 annexes listed above in their confidential classification.



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

Dated this 19 May 2022

At The Hague, The Netherlands