

Annex 4

Public

From: Trial Chamber I Communications
Sent: 13 December 2021 09:46
To: Chamber Decisions Communication
Cc: Trial Chamber I Communications
Subject: FW: Requests to attend remotely the status conference on 17 December

Follow Up Flag: Follow up
Flag Status: Flagged

For the record.

From: Trial Chamber I Communications [REDACTED]
Sent: 10 December 2021 16:15
To: V47LRVTeam [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED] Court Management-Court Sessions [REDACTED] [REDACTED] OTR Counsel Support Section [REDACTED] Trial Chamber I Communications [REDACTED]
Subject: Requests to attend remotely the status conference on 17 December

Dear counsel,

The Chamber notes that Ms von Wistinghausen and Mr Edwards have requested leave to attend remotely the status conference scheduled on 17 December 2021. Mr Abadalla has not made such a request.

The Chamber notes that Ms von Wistinghausen does not wish to add any items to the agenda. Although she does not state whether she expects to make oral submissions during the hearing, she states that a new case manager (working in the case as of 1 December 2021) will be present in the courtroom.

As regards Mr Edwards, the Chamber notes that neither Mr Laucci nor Mr Edwards envisage an intervention during the status conference. Mr Laucci, in a separate e-mail, has indicated the he will be present in the courtroom and ready to deal with any other incidental matter.

In light of the above, and considering the limited nature and duration of the status conference, and also bearing in mind the current evolving situation of the COVID-19 pandemic, the Chamber grants both requests.

In relation to Ms von Wistinghausen, the Chamber reminds her that she, as lead counsel in the team of common legal representatives, is under the obligation vis-à-vis her clients to represent their interests in court. The Chamber considers that a case manager cannot replace her representation of victims' interests in court.

Lastly, the Chamber reminds counsel they must take the appropriate measures to physically attend the next status conference, scheduled on 7-11 February 2022. Likewise, bearing in mind the advance notice given to the parties and participants as to the trial's sitting schedule as of 5 April 2022, counsel must be physically present in the courtroom during the weeks in which trial hearings have been scheduled.

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Laucci, Cyril [REDACTED]
Sent: 09 December 2021 14:53
To: Edwards, Iain [REDACTED] Trial Chamber I Communications [REDACTED]
 [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] D31 Abd-Al-Rahman
 Defence Team [REDACTED]; V47 LRV Team [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED] Court Management-Court
 Sessions [REDACTED] >
Subject: RE: Scheduling and other related matters

Dear [REDACTED]
 I also wish to confirm that Counsel Edwards' remote attendance will have no impact on the representation of Mr Abd-Al-Rahman. I will attend in person.
 Yours Sincerely,
 Cyril Laucci,
 Lead Counsel for the Defence of Mr Abd-Al-Rahman.

From: Edwards, Iain [REDACTED]
Sent: 09 December 2021 14:30
To: Trial Chamber I Communications [REDACTED]; Abd Al Rahman Prosecution
 Team [REDACTED] D31 Abd-Al-Rahman Defence Team
 [REDACTED]; V47 LRV Team [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED]; Court Management-Court
 Sessions [REDACTED]
Subject: Re: Scheduling and other related matters

Dear [REDACTED]

Would you please be kind enough to pass on the following application to the Trial Chamber?

All the best,

Iain

Your Honours,

In accordance with the Trial Chamber's policy regarding remote attendance at trial hearings, I write to seek your leave exceptionally to appear at the next status conference, scheduled for next Friday, 17 December, remotely. Neither Dr Laucci nor I envisage that I will intervene during the next status conference. We have also been in contact with the Prosecution over the last week or so and it seems to be common ground that the hearing will primarily focus on the Prosecution providing updates to the Trial Chamber on its activities in Sudan. Dr Laucci will be physically present and will deal with any other incidental matters that may need to be addressed.

I do not argue that time, expense or pandemic-related issues prevent me from traveling to The Netherlands from my home and place of work (Côte d'Ivoire). However, pre-existing family obligations mean that travelling to The Netherlands for 17 December would cause difficulties of a personal nature. If the Trial Chamber, Prosecution and LRV wish to hear of these difficulties, I will of course be happy to provide details in a further email.

Please accept my thanks for Your Honours' sympathetic consideration.

Yours faithfully,

Iain Edwards

From: Wistinghausen, Natalie [REDACTED]

Sent: 09 December 2021 11:20

To: Trial Chamber I Communications [REDACTED]

Cc: Anbari, Idriss [REDACTED]; Amin, Nasser [REDACTED]

Subject: Status conference on 17 December 2021

Dear [REDACTED]

I'm seeking leave from the judges of Trial Chamber I to attend the Status Conference on 17 December 2021 remotely, from my office in Berlin. Given the pandemic, rising cases in Germany and in The Netherlands as well as potential additional restrictions, it doesn't seem sensible to travel if not absolutely necessary. I hope you understand that given the current circumstances, I prefer not to take any risks.

Our new case manager since 1st December 2021, Idriss Anbari, will be present in the courtroom. Mr. Abdalla will most probably also attend remotely.

Furthermore, I do not intend to file additional suggestions to the agenda of the status conference. Of course, the security situation in Darfur also seriously affects the communication with our clients which may influence our ability to file a Trial Brief by 7 February 2021, as requested by the Trial Chamber. For various reasons, there are huge difficulties to fill the position of field officers (focal points) and to establish safe and reliable communication channels. Also, the suggested protocol on the contact between parties and participating victims may be a matter to discuss, if so wished by the Trial Chamber.

Thank you in advance for conveying this message to the judges of Trial Chamber I and please let me know if you require any more information at this stage.

Kind regards,

Natalie v. Wistinghausen
CLRV

From: Trial Chamber I Communications [REDACTED]

Sent: 26 November 2021 08:12

To: Abd Al Rahman Prosecution Team [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED] V47 LRV Team [REDACTED]

Cc: Trial Chamber I Communications [REDACTED] Associate Legal Officer-Court Officer [REDACTED] Court Management-Court Sessions [REDACTED]

Subject: Scheduling and other related matters

Dear counsel,
Dear colleagues,

Noting that a status conference is scheduled on 17 December 2021 at 9:30, and in order to plan the hearing schedule, the parties and participants are invited to suggest any items to the agenda by COB, 9 December 2021. The parties and participants are to indicate whether any of the items require an ex parte session.

Noting the upcoming winter judicial recess, and in accordance Article 64(2) of the Rome Statute and Regulation 19(2) bis of the Regulations of the Court, the Chamber decides that time limits falling between 17 December 2021 and 4 January 2022 are suspended.

In case any urgent matter arises during the judicial recess, the Chamber will assess on a case-by-case basis whether earlier submissions are indispensable.

Lastly, the Chamber hereby informs the parties and participants that after the commencement of trial on 5 April 2021, the trial hearings will be scheduled as follows (until the summer judicial recess):

5-14 April– Opening statements and start of presentation of evidence by the Prosecution

25-29 April (27 April ICC holiday)

7-17 June

30 June-22 July

Kind regards,



(on behalf of Trial Chamber I)

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