

Annex 5

Public

From: Trial Chamber I Communications
Sent: 04 February 2022 15:09
To: Edwards, Iain; Trial Chamber I Communications; Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 LRV Team
Cc: Chamber Decisions Communication; Associate Legal Officer-Court Officer; Court Management-Court Sessions; Office of the Director DJSS
Subject: RE: Updated schedule: Agenda Status Conference (7-9 February 2022)

Dear Mr Edwards,

The Chamber takes note of your proposal and hereby grants the request to respond orally to the Prosecution's requests #564 and #574, during next week's status conference.
 If there is not sufficient time to hear the Defence's response to request #564 on Monday, an extension of one day will be granted and submissions will be heard on Tuesday.

Kind regards,

(on behalf of Trial Chamber I)

From: Edwards, Iain
Sent: 04 February 2022 14:21
To: Trial Chamber I Communications; Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 LRV Team
Cc: Chamber Decisions Communication; Associate Legal Officer-Court Officer; Court Management-Court Sessions; Office of the Director DJSS
Subject: Re: Updated schedule: Agenda Status Conference (7-9 February 2022)

Dear Trial Chamber,
 Dear colleagues,

Regarding outstanding Defence responses to the various Rule 68 motions that have been filed in recent days by the Prosecution, we respectfully make the following proposal to the Trial Chamber. The Defence would like to respond orally to Prosecution motions #564 and #574 (respectively, fourth and fifth applications under Rule 68(3)) next week. These motions relate to a total of nine witnesses.

In addition, the Defence would propose responding orally to Prosecution motion #578 (application under Rule 68(2)(c), which relates to a further five witnesses.

It is submitted that such an approach would result in an overall saving of time since the Trial Chamber will be fully briefed well before the current deadline of 14 February, certainly insofar as our responses to #574 and #578 are concerned. Furthermore, this approach would free up Defence time to address the multiple applications made pursuant to Rule 68(2)(b). At present, our intention is to use our best efforts to file responses without having to ask for an extension of time.

We hope this suggestion will find favour with the Trial Chamber. For the sake of completeness, we ought to point out that our response to motion #564 is due next Monday. If the Chamber is minded to permit an

oral response, but the schedule does not allow us to get to it on Monday, we will have to formally request a short extension of 1 day.

Kind regards,

Iain Edwards

From: Trial Chamber I Communications [REDACTED]
Sent: 04 February 2022 09:52
To: Trial Chamber I Communications [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED]; V47 LRV Team [REDACTED]
Cc: Chamber Decisions Communication [REDACTED] Associate Legal Officer-Court Officer [REDACTED] Court Management-Court Sessions [REDACTED]; Office of the Director DJSS [REDACTED]
Subject: Updated schedule: Agenda Status Conference (7-9 February 2022)

Dear counsel,
 Dear colleagues,

Noting Decision 502 of 1 November 2021 and the corresponding 120-day deadline, the Chamber will hear oral submissions at the end of the status conference on whether there is any change in circumstances which warrant the release of the accused.

Kind regards,

[REDACTED]
 (on behalf of Trial Chamber I)

From: Trial Chamber I Communications [REDACTED]
Sent: 03 February 2022 16:58
To: Trial Chamber I Communications [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] [D31AbdAlRahmanDefenceTea](#) [REDACTED] [V47LRVTeam](#) [REDACTED]
Cc: Chamber Decisions Communication [REDACTED]; Associate Legal Officer-Court Officer [REDACTED] Court Management-Court Sessions [REDACTED]; Office of the Director DJSS [REDACTED]
Subject: RE: Updated schedule: Agenda Status Conference (7-9 February 2022)

Dear colleagues,

The Chamber grants the Defence's request to respond to the victims' legal representatives observations (filing 575). Counsel can do this orally during Monday's status conference.

Moreover, in relation to item 6(a) of the agenda, and so that the parties and participants can prepare in advance, the discussion will focus on the 57 witnesses expected to be called viva voce and any possibility for some of these witnesses' testimonies to be introduced pursuant to Rule 68 of the Rules.

Kind regards,

[REDACTED]
 (on behalf of Trial Chamber I)

From: Trial Chamber I Communications [REDACTED]
Sent: 03 February 2022 10:07
To: Trial Chamber I Communications [REDACTED] Abd Al Rahman Prosecution Team [REDACTED]; [D31AbdAlRahmanDefenceTeam](#) [REDACTED]; [V47LRVTeam](#) [REDACTED]
Cc: Chamber Decisions Communication [REDACTED] Associate Legal Officer-Court Officer [REDACTED] Court Management-Court Sessions [REDACTED] Office of the Director DJSS [REDACTED]
Subject: Updated schedule: Agenda Status Conference (7-9 February 2022)

Dear counsel,
 Dear colleagues,

Due to other judicial commitments, the Chamber will sit as follows on Tuesday, 8 February:
 13:00 – 15:00
 15:30 to 17:30

The hearing schedule for Monday, 7 February and Wednesday, 9 February remain unchanged.

Best regards,

[REDACTED]

From: Trial Chamber I Communications [REDACTED]
Sent: 31 January 2022 14:24
To: Abd Al Rahman Prosecution Team [REDACTED]; [D31AbdAlRahmanDefenceTeam](#) [REDACTED]; [V47LRVTeam](#) [REDACTED]
Cc: Trial Chamber I Communications [REDACTED]; Chamber Decisions Communication [REDACTED] Associate Legal Officer-Court Officer [REDACTED] Court Management-Court Sessions [REDACTED] Office of the Director DJSS [REDACTED]
Subject: Agenda Status Conference (7-9 February 2022)

New version with duplicated item deleted.

Dear counsel,
 Dear colleagues,

The Chamber has taken note of the parties' and participants' suggestions.

As regards the items proposed by the common legal representatives, in particular items 2 and 2b (allocations of costs), the Chamber considers these are matters within the purview of the Registry and the legal aid provisions. As regards topic 2a (Contact Protocol), the Chamber reiterates that the pre-trial protocol remains in place and will continue to apply until a standardised protocol is adopted (T-17, p. 29, lines 19 *et seq.*; T-18, p. 50, lines 15 *et seq.*). Moreover, the Chamber notes that the parties and participants were provided with the opportunity to comment on the current protocol and that particularly as regards filing 553 of the Defence, no responses were filed within the set deadline. Accordingly, these items will not be included in the agenda.

The agenda for the status conference scheduled on 7 February 2022 is as follows:

1. Cooperation

- a. General update on the situation (representative of the Registry to be present)
- b. Defence request for cooperation (filing 557) – *see also ex parte* session below

2. Trial Management and scheduling issues

- a. Prosecution's request to amend the charges (filing 563)
- b. Order of call and backup witnesses (representative of the Registry to be present)
- c. Expert report of first witness (P-1042)
- d. Possibility to call expert on Darfur ethnic groups and culture
- e. Interpretation (representative of Registry's language services to be present)

3. Agreements

- a. Agreed facts
- b. Agreements on introduction of documentary and other evidence

4. Investigations

- a. Status of the Prosecution's investigations (Decision 545)

5. Victims' applications

- a. Status of victims' applications (representative of VPRS to be present)
- b. Cut-off date to submit victims' applications

6. Prosecution List of Witnesses

- a. Witnesses to be called and modes of testimony (including update by the Prosecution)
- b. Overall number of hours expected to be used for questioning by the Prosecution
- c. Overall number of hours for examination by the Defence

Confidential *ex parte* sessions

- OTP and Registry only – security concerns (representative of VWU to be present)
- Defence and Registry only – Defence request for cooperation (filing 557) and ability to go on missions (representative of the Registry to be present)

Kind regards,

[REDACTED]

(on behalf of Trial Chamber I)

From: Laucci, Cyril [REDACTED]

Sent: 28 January 2022 13:02

To: Trial Chamber I Communications [REDACTED]

Cc: Abd Al Rahman Prosecution Team [REDACTED] V47 LRV Team

[REDACTED]; Court Management-Court Sessions [REDACTED]

Associate Legal Officer-Court Officer [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED]

Subject: RE: Scheduling of 4th Status Conference

Honourable Trial Chamber I,
Dear colleagues,

The Defence proposes the following items for the agenda of the 4th Status Conference:

1. Update on security situation in Sudan - esp. Darfur, where necessary in closed session;
2. Update on cooperation by GoS with the Court, where necessary in closed session;
3. Update on cooperation with Defence (ex parte);
4. Update on Defence ability to travel to Sudan (ex parte);
5. Update on agreed facts;
6. Impact of OTP Application #563 on the scheduling of the trial;
7. Expert report of 1st witness;
8. The modalities and timing of any *proprio motu* order that a witness shall appear in accordance with Rule 68(3) of the RPE (Decision #559, para. 14);
9. Allocation of hours and time for cross-examination;

Yours Sincerely,

Dr Cyril Laucci,
Lead Counsel for Mr Ali Muhammad Ali Abd-al-Rahman

From: Mourad, Hesham [REDACTED]
Sent: 28 January 2022 10:45
To: Trial Chamber I Communications [REDACTED] Laucci, Cyril
 [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED] V47 LRV Team
 [REDACTED] Court Management-Court Sessions [REDACTED]
 Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Scheduling of 4th Status Conference

Dear Honourable Judges,

Dear [REDACTED] and Colleagues,

At the next Status Conference, the Prosecution intends to provide an update on (i) the witnesses it intends to call and their modes of testimony; and (ii) the status of the Prosecution's investigations, including the progress made since its Regulation 35 request (ICC-02/05-01/20-541- Conf-Red-Corr) and the Chamber's decision on the matter (ICC-02/05-01/20-545-Conf, para. 8).

The Prosecution requests an *ex parte* session to discuss security concerns pertaining to its trial witnesses.

Thank you.

Best regards,

Hesham Mourad
(On behalf of Julian Nicholls)

From: Wistinghausen, Natalie [REDACTED]
Sent: 28 January 2022 10:44
To: Trial Chamber I Communications [REDACTED] Laucci, Cyril
 [REDACTED] V47 LRV Team [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED]; V47 LRV Team
 [REDACTED] Court Management-Court Sessions [REDACTED]
 Associate Legal Officer-Court Officer [REDACTED]; Anbari, Idriss
 [REDACTED] Shah, Anand [REDACTED] Amin, Nasser [REDACTED] Constantinide,
 Diana [REDACTED]; Edwards, Iain [REDACTED] Wistinghausen, Natalie
 [REDACTED]
Subject: AW: Scheduling of 4th Status Conference

Honorable Trial Chamber,
Dear Colleagues,

Further to the Trial Chamber's invitation, the Common Legal Representatives respectfully propose the inclusion of the following items in the agenda for the 4th status conference:

- 1)** Deadline for submission of victim applications:- determination of CLR's oral application that the deadline for submission of victim applications at the trial stage is set for the end of any Defence case (*see Transcript of 12 November 2021, ICC-02/05-01/20-T-017-CONF-ENG, p. 14, line 22 to p. 15, line 6*);
- 2)** Allocation of costs for attendance of calling party / participant or victim representative at witness interview conducted by non-calling party / participant:-
 - 2a)** Paragraph 35 of the Defence's proposed amended version of the "Protocol on the handling of confidential information during investigations and contact between party or participant and witnesses of the opposing party or of a participant" (ICC-02/05-01/20-553-Anx);
 - 2b)** Allocation of costs for attendance of CLR/V at interview of a victim by a party (*see in this respect ICC-02/05-01/20-531, paras 5-11*).

The CLR/V is also pleased to inform the Chamber and parties of the full composition of its team for the trial proceedings. Mr Abdallah and I will be assisted by Anand Shah (Associate Counsel), Diana Constantinide (Legal Assistant, *pro bono*), Idriss Anbari (Case Manager), and two field assistants, respectively focused on clients located in Sudan and Chad.

Sincere regards,
Natalie v. Wistinghausen
CLR/V

From: Trial Chamber I Communications [REDACTED]
Sent: 24 January 2022 13:44
To: Trial Chamber I Communications [REDACTED] Laucci, Cyril
 [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED] V47 LRV Team
 [REDACTED]; Court Management-Court Sessions [REDACTED]
 Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Scheduling of 4th Status Conference

Dear Counsel,
Dear colleagues,

The Chamber plans to sit from Monday 7 to Wednesday 9 February 2022.

The parties and participants may suggest any items to the agenda by COB, 28 January 2022.

Best regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Trial Chamber I Communications [REDACTED]
Sent: 24 January 2022 10:38
To: Laucci, Cyril [REDACTED]; Trial Chamber I Communications [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED] V47 LRV Team
 [REDACTED] Court Management-Court Sessions [REDACTED]
Subject: RE: Scheduling of 4th Status Conference

Dear Mr. Laucci,
 I acknowledge receipt of your e-mail, which has been forwarded to the Chamber.
 Best,
 [REDACTED]

From: Laucci, Cyril [REDACTED]
Sent: 24 January 2022 09:46
To: Trial Chamber I Communications [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED] V47 LRV Team
 [REDACTED]; Court Management-Court Sessions [REDACTED]
Subject: Scheduling of 4th Status Conference
Importance: High

Honourable Trial Chamber, Dear colleagues,
 At the 3rd Status Conference of 17 December 2021, President Korner indicated that the 4th status conference would take place over the week of 7 to 11 February 2022.
 In order to be able to planify the Defence's activities and possible mission(s), we would be extremely grateful if the Trial Chamber could specify on which precise date(s) it intends to convene to the 4th Status Conference over that week.
 Thanking you in advance for that clarification,
 Yours Sincerely,
 Dr Cyril Laucci,
 Lead Counsel for the Defence of Mr Ali Muhammad Ali Abd-Al-Rahman.

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