

# ANNEX A

Public redacted

**From:** [REDACTED]  
**Sent:** 09 June 2020 13:02  
**To:** Nicholls, Julian  
**Cc:** [REDACTED]  
**Subject:** Reclassification as public of ICC-02/05-01/07-Secret-Exp

**Importance:** High

Dear Mr Nicholls,

[REDACTED].

[REDACTED].

The Chamber would like to seek your views about the reclassification as public of the second warrant for arrest (ICC-02-05-01/07-74), in particular as regards the need for any redactions. In light of the envisaged timing for the next steps, there is some urgency to the matter.

I thank you for your attention and send you kind regards.

[REDACTED], on behalf of Pre-Trial Chamber II

**From:** Pre-Trial Chamber II communications  
**Sent:** 12 June 2020 13:59  
**To:** [REDACTED]; Court Management-Court Records; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]  
**Subject:** Case 02/05-01/07: decision on reclassification of the Second Warrant and other requests for access by Counsel for the Suspect

Dear [REDACTED],

The Chamber, having considered your message below, as well as Counsel's requests relating to access to the record of the case:

- i. Orders the Registry to reclassify filing ICC-02/05-01/07-74, [REDACTED], as confidential;
- ii. Notes that both the decision on the first warrant (ICC-02/05-01/07-1) and the first warrant itself (ICC-02/05-01/07-3) are public, with no redactions;
- iii. Instructs Counsel for the Defence to submit a formal request to the Chamber as regards access to other documents in the record.

Thank you and kind regards.

[REDACTED], on behalf of Pre-Trial Chamber II

**From:** [REDACTED]  
**Sent:** 12 June 2020 12:58  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: URGENT - Questions regarding the Initial Appearance of Monday 15 June  
**Importance:** High

Dear both,

Please see below a couple of e-mails received by Cyril Laucci, duty counsel for Mr Ali Kushayb. CMS is awaiting for the Chamber instruction on the yellow highlighted part. Indeed, could you please let us know to which documents the Defence should have access?

Mr Laucci has further been informed on the regular practice of the Registry.

Many thanks in advance.

Kind regards,  
[REDACTED]

**From:** cyril laucci [REDACTED]  
**Sent:** 12 June 2020 11:30

**To:** Court Management-Court Records

**Cc:** [REDACTED]; Office of Public Counsel for Defence; [REDACTED]

**Subject:** RE: URGENT - Questions regarding the Initial Appearance of Monday 15 June

**Importance:** High

Dear CMS Officers,

In addition to the below, I would be extremely grateful if you could provide - on an urgent basis - to me and OPCD access to all Confidential and Confidential *Ex Parte* filings in the case, as well as access to Real Time Transcripts for the hearing.

Thanking you in advance for your prompt action,

Best regards,

Cyril Laucci.

[REDACTED]

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**De :** cyril laucci [REDACTED]>

**Envoyé :** vendredi 12 juin 2020 11:17

**À :** Court Management-Court Records [REDACTED]

**Cc :** [REDACTED] Office of Public Counsel for Defence; [REDACTED]

**Objet :** RE: URGENT - Questions regarding the Initial Appearance of Monday 15 June

Dear CMS Officers,

I am informed by OPCD that they would also need the unredacted version of the warrants of arrest and other document(s) detailing charges as well in order to fulfil their mandate.

Best regards,

Cyril Laucci

[REDACTED]

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**De :** cyril laucci

**Envoyé :** vendredi 12 juin 2020 11:00

**À :** Court Management-Court Records [REDACTED]

**Cc :** [REDACTED]

**Objet :** URGENT - Questions regarding the Initial Appearance of Monday 15 June

Dear CMS Officers,

I would be extremely grateful if you could assist me on the following matters:

1/ Please advise whether I should expect the Initial Appearance of 15 June to be conducted through WebEx or in the Courtroom;

2/ I only have the public redacted version of the warrants of arrest ICC-02/05-01/07-3 and ICC-02/05-01/07-74, which I collected on the website. I would urgently need their unredacted version in order to provide a full explanation of the charges to Mr Ali Kushayb this afternoon. In case there are other documents I am not yet aware of further detailing the charges, Please also let me know and send them to me;

3/ Please advise who are the duty officers for Registry and Chambers over the next two weeks and their contact details;

4/ I trust that I can use the present address Court Management - Court Records in case of filings. Please confirm.

Thanking you in advance for your prompt responses to the above questions,

Best regards,

Cyril Laucci.

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 16 June 2020 14:44  
**To:** LAUCCI Dimitri [REDACTED]; Pre-Trial Chamber II communications  
**Cc:** Nicholls, Julian; [REDACTED]  
**Subject:** Case ICC-02/05-01/20 - Order clarifying time limit to submit observations on the issue of the name of the suspect

Dear Counsel,

The Single Judge recalls that, during the hearing held yesterday in the above-captioned case, written submissions were requested from the Defence on the issue of the name of your client (see ICC-02/05-01/20-T-001-ENG page 5, line 2 to page 6, line 4).

The Single Judge would like to clarify that, in light of the importance and practical implications of the issue, these submissions should be filed on an expedited basis and no later than Thursday 18 June 2020.

Kind regards,

[REDACTED], on behalf of the Single Judge

**From:** Pre-Trial Chamber II communications  
**Sent:** 18 June 2020 09:28  
**To:** Nicholls, Julian; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]  
**Subject:** Decision shortening the time limit for responses to ICC-02/05-01/20-1  
(Defence request for amendment of the name of the case)

**Importance:** High

Dear Counsel,

The Single Judge notes the “Requête aux fins de modification du nom porté au dossier de l’affaire ICC-02/05-01/20” (ICC-02/05-01/20-1) submitted by Counsel for Mr Abd-Al-Rahman on 17 June 2020 pursuant to an order of the Single Judge at the hearing for the first appearance (see ICC-02/05-01/20-T-001-ENG page 5, line 2 to page 6, line 4).

The Single Judge recalls that no specific objection was raised by the Prosecutor at the hearing (see ICC-02/05-01/20-T-001-ENG page 5, lines 21-24).

In light of the practical implications of the matter, the Single Judge decides that the time limit for the Prosecutor’s response to the request, if any, is shortened to **Friday 19 June 2020**.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

**From:** Pre-Trial Chamber II communications  
**Sent:** 25 June 2020 17:11  
**To:** Pre-Trial Chamber II communications; [REDACTED]; Office of the Director  
 DJSS; OTR Counsel Support Section  
**Cc:** [REDACTED]; Laucci, Cyril  
**Subject:** Order by the Single Judge to submit observations on Counsel's 'Requête en vertu de l'Article 67-1-f'

Dear colleagues,

The Single Judge, having considered Counsel's request attached as courtesy copy to the message below, considers that there is no need to adjudicate it on an urgent basis and that it is necessary to receive observations from the competent sections of the Registry in order to make an informed decision.

Accordingly, the Registry is instructed to submit observations on the matter no later than **Monday 29 June 2020**.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

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**From:** Laucci, Cyril  
**Sent:** 25 June 2020 16:10  
**To:** Pre-Trial Chamber II communications  
**Cc:** [REDACTED]  
**Subject:** URGENT - Requête en vertu de l'Article 67-1-f  
**Importance:** High

Dear [REDACTED],  
 Please find attached a Courtesy Copy of the Urgent Public Request I just submitted to Honorable Judge Aitala and its Confidential Annex.  
 This request requires his urgent consideration in order to allow me to meet with my client tomorrow.  
 Yours Sincerely,  
 Cyril Laucci

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**From:** Pre-Trial Chamber II communications  
**Sent:** 30 June 2020 16:59  
**To:** Laucci, Cyril; Pre-Trial Chamber II communications  
**Subject:** Instructions as to communications with the Chamber and the Single Judge

Dear Counsel,

The Chamber and the Single Judge have noted the series of emails you addressed yesterday after business hours to the PTCII Communications inbox, as well as to a number of individual addresses, all labelled as 'urgent', in which you notified your request to apply for leave to reply to filing ICC-02/05-01/20-11, each of which raised separate issues in this connection.

The Chamber and the Single Judge emphasise that the appropriate avenue to submit requests to the Chamber and/or the Single Judge is by way of preparing a formal filing to be submitted to the Court Records Office of the Registry pursuant to the relevant rules and regulations. Direct communication between Counsel and the Chamber and/or the Single Judge constitutes, and has to remain, an exception and must therefore be limited to the most restrictive of circumstances. In addition, communication on a bilateral personal basis with specific individuals in Chambers or otherwise should also be avoided.

In addition, the Chamber and the Single Judge note with concern your practice of systematically qualifying your email communications as 'urgent', irrespective of the fact that no objective reasons for urgency are actually given. As you will know, this qualification has legal and operational implications and should therefore only be used if strictly necessary, also with a view to avoiding defeating its very purpose, ie to secure the immediate attention of the Chamber when actually and truly warranted.

In light of the above, the Single Judge clarifies that, should Defence Counsel wish the Chamber to consider his request related to filing ICC-02/05-01/20-11, or any other request, this should be done by way of a proper filing, submitted to the Registry within the applicable time limit.

Thank you and kind regards.

[REDACTED], on behalf of Pre-Trial Chamber II

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**From:** Laucci, Cyril  
**Sent:** 29 June 2020 19:43  
**To:** Pre-Trial Chamber II communications; [REDACTED]  
**Subject:** RE: Urgent - The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-11 - Registry's observations on the "Requête en vertu de l'Article67-1-f", (ICC-02/05-01/20-7)  
**Importance:** High

[REDACTED],

After further consideration of the matter and in addition to my request for leave to Reply, I hereby formally apply for an order from the Single Judge pursuant to Regulation 23*bis* of the Regulations of the Court for the immediate reclassification of the Registry Observations ICC-02/05-01/20-11 as Confidential and their withdrawal or non-posting on the website of the Court.

I will further address the consequences of this breach of Regulation 130 of the Registry confidentiality in my Reply, should the Single Judge grant the requested leave to submit it.

But the urgent intervention of the Honorable Single Judge to reclassify and prevent posting on the ICC website is requested in the meantime in order to confine the damages caused by this breach and the liability of the Registry.

Please let me know, should the Honorable Single Judge be of the view that I should submit a formal filing requesting reclassification.

Yours Sincerely,  
Cyril Laucci.

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**From:** Laucci, Cyril

**Sent:** 29 June 2020 18:47

**To:** Pre-Trial Chamber II communications; [REDACTED]

**Subject:** FW: Urgent - The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-11 - Registry's observations on the "Requête en vertu de l'Article67-1-f", (ICC-02/05-01/20-7)

**Importance:** High

[REDACTED],

Please add the below information to the grounds of my earlier application for a leave to reply to the Registry's Observations. I would also appreciate receiving direction from the Single Judge as to the classification of my Reply.

Yours Sincerely,  
Cyril Laucci

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**From:** Laucci, Cyril

**Sent:** 29 June 2020 18:43

**To:** Court Management-Court Records

**Cc:** Pre-Trial Chamber II communications; [REDACTED]

**Subject:** FW: Urgent - The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-11 - Registry's observations on the "Requête en vertu de l'Article67-1-f", (ICC-02/05-01/20-7)

**Importance:** High

Dear Court Management Section,

Please reclassify urgently as Confidential the below Observations of the Registry. These Observations make public reference to exchanges between (i) CSS and Mr Abd-Al-Rahman (par. 4) and (ii) CSS and me (par. 6-9) which are and shall remain confidential pursuant Regulation 130(1)-(2) of the Regulations of the Registry.

I request your urgent intervention on a provisional basis pending clarification as to the classification status of these information. This request is primarily moved by the need to protect Registry from its potential liability for disclosing classified information in a public filing.

Best regards,  
Cyril Laucci.

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**From:** Pre-Trial Chamber II communications  
**Sent:** 01 July 2020 10:47  
**To:** Court Management-Court Records; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]; Laucci, Cyril; Nicholls, Julian  
**Subject:** Filing no. ICC-02/05-01/20-11 - Single Judge's instruction to maintain provisional confidentiality level

Dear colleagues,

The Single Judge, having considered the request from Defence Counsel as well as the measures adopted by the Registry on a provisional basis below, decides that a determination will be taken in the context of the decision on the merits of the Defence request (filing no. 7); accordingly, as a matter of caution, the Registry is instructed to maintain the provisional measure in force until the Chamber's decision on the matter will be issued.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

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**From:** Court Management-Court Records  
**Sent:** 30 June 2020 09:24  
**To:** Pre-Trial Chamber II communications; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Urgent - The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-11 - Registry's observations on the "Requête en vertu de l'Article67-1-f", (ICC-02/05-01/20-7)

Dear all,

Please be informed that accesses have been pro-actively restricted.  
 However official email will be sent only once the Chamber will have confirm the below communication.

Kind regards,

CMS  
 [REDACTED]

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**From:** Laucci, Cyril  
**Sent:** 29 June 2020 18:43  
**To:** Court Management-Court Records  
**Cc:** Pre-Trial Chamber II communications; [REDACTED]  
**Subject:** FW: Urgent - The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-11 - Registry's observations on the "Requête en vertu de l'Article67-1-f", (ICC-02/05-01/20-7)  
**Importance:** High

Dear Court Management Section,

Please reclassify urgently as Confidential the below Observations of the Registry. These Observations make public reference to exchanges between (i) CSS and Mr Abd-Al-Rahman (par. 4) and (ii) CSS and me (par. 6-9) which are and shall remain confidential pursuant Regulation 130(1)-(2) of the Regulations of the Registry.

I request your urgent intervention on a provisional basis pending clarification as to the classification status of these information. This request is primarily moved by the need to protect Registry from its potential liability for disclosing classified information in a public filing.

Best regards,

Cyril Laucci.

**From:** Pre-Trial Chamber II communications  
**Sent:** 08 July 2020 11:34  
**To:** [REDACTED]; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]; Office of the Director DJSS; [REDACTED]  
**Subject:** RE: VPRS request to PTC II on Darfur application forms

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Dear VPRS,

The Single Judge authorises the use of the standard victim applications forms, which have been approved by the Presidency in accordance with Regulation 86 of the Regulations of the Court, in the *Abd-al-Rahman case* and post them on the Court's website for that purpose.

Best regards,

[REDACTED], on behalf of the Single Judge of PTC II

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**From:** [REDACTED]  
**Sent:** 08 July 2020 11:02  
**To:** Pre-Trial Chamber II communications  
**Cc:** [REDACTED]; Office of the Director DJSS; [REDACTED]  
**Subject:** VPRS request to PTC II on Darfur application forms

Dear Pre-Trial Chamber II, dear Colleagues,

I am writing to you regarding the VPRS' intended use of a standard victim application form in the *Abd Al Rahman case*. To this end, please find for your consideration the standard victim application forms (for individuals and organizations) that have been approved by the Presidency in accordance with regulation 86 of the Regulations of the Court and used previously, most recently, in the *Yekatom & Ngaissona case*.

We at the VPRS propose to use these forms (together with their electronic counterparts) in the *Abd Al Rahman case*. Before posting them on the Court's website, we thought it prudent to first secure the Chamber's approval.

[REDACTED].

In the meantime, we respectfully request the Chamber's authorization to deploy the standard application forms in the *Abd Al Rahman* case so as to be able to appropriately respond to the considerable interest sparked by the arrest and initial appearance of Mr Abd Al Rahman.

Kind Regards,

[REDACTED]

(VPRS)

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**From:** [REDACTED]  
**Sent:** 10 September 2020 16:41  
**To:** Pre-Trial Chamber II communications; [REDACTED]; Office of the Director  
DJSS; [REDACTED]  
**Cc:** Laucci, Cyril; [REDACTED]  
**Subject:** Order by the Single Judge to submit observations on Counsel's 'Requête en  
vertu de la norme 23bis-3 du Règlement de la Cour'

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Dear colleagues,

Having considered the Defence's Request (ICC-02/05-01/20-150-Conf-Exp), the Single Judge deems necessary to receive observations from the competent section of the Registry in order to make an informed decision.

Accordingly, the Registry is hereby instructed to submit observations on the Request no later than Tuesday, 15 September 2020.

Kind regards,

[REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II



**From:** Pre-Trial Chamber II communications  
**Sent:** 11 September 2020 11:07  
**To:** Nicholls, Julian; Court Management-Court Records; [REDACTED]  
**Cc:** Pre-Trial Chamber II communications; [REDACTED]  
**Subject:** RE: CRV and PRV filings of our request - ANNEX issue - request for reclassification

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Dear Julian, dear colleagues,

Having considered the Prosecutor's request below, pursuant to Regulation 23*bis*(3) of the Regulations of the Court, the Single Judge authorises the reclassification of the Annex to filing ICC-02/05-01/20-149, as public.

Best regards,

[REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II

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**From:** Pre-Trial Chamber II communications  
**Sent:** 11 September 2020 10:48  
**To:** Nicholls, Julian; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]  
**Subject:** RE: CRV and PRV filings of our request - ANNEX issue - request for reclassification

Dear Julian,

Thank you very much for your email.

The request has been submitted for the consideration of the Single Judge.

Best regards,

[REDACTED], on behalf of Pre-Trial Chamber II

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**From:** [REDACTED]  
**Sent:** 11 September 2020 09:47  
**To:** Nicholls, Julian; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]  
**Subject:** RE: CRV and PRV filings of our request - ANNEX issue - request for reclassification

Dear Julian,

Thank you for your message. My colleague [REDACTED] has been following this particular matter: therefore I am copying her, as well as the other colleagues and the Pre-Trial Chamber Communications

address, which is the one best used for making sure that the team as a whole has prompt access to relevant communications.

Thank you and kind regards,

[REDACTED]

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**From:** Nicholls, Julian

**Sent:** 10 September 2020 19:03

**To:** [REDACTED]

**Cc:** Court Management-Court Records; [REDACTED]

**Subject:** CRV and PRV filings of our request - ANNEX issue - request for reclassification

Dear [REDACTED],

As per the Pre-Trial Chamber II's Order earlier today (ICC-02/05-01/20-151), we have now filed the Confidential Redacted Version and Public Redacted Version of the "Prosecution's urgent request for an extension of time," 9 September 2020, ICC-02/05-01/20-149-Conf-Exp. Our original intention was to file these versions tomorrow.

In relation to the Confidential Ex Parte Annex (ICC-02/05-01/20-149-Conf-Exp-Anx), we would request this to be reclassified as Public. My understanding is that since we are not making any redactions to this annex, it is necessary to request that the Pre-Trial Chamber authorise the re-classification of this annex. In the interim, I have provided a courtesy copy to Mr Laucci.

Thank you.

Best regards,

Julian

**Julian Nicholls**

Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]



**From:** Pre-Trial Chamber II communications  
**Sent:** 16 September 2020 09:57  
**To:** [REDACTED]; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]; Office of the Director DJSS; [REDACTED]  
**Subject:** RE: Al Rahman case: use of VPRS fillable electronic form

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear [REDACTED],

Thank you very much for your email.

Having considered the request below, the Single Judge instructs the VPRS to file in the record of the case the proposed victim application form, together with any observations the Registry may have on aspects related to the admission of victims' participation in the proceedings.

The Chamber will issue a decision establishing the principles applicable to victims' participation in the case in due course.

Best regards

[REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II

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**From:** [REDACTED]  
**Sent:** 11 September 2020 16:30  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Al Rahman case: use of VPRS fillable electronic form

Dear Pre-Trial Chamber II, dear Colleagues,

In the *Abd-Al-Rahman* proceedings, we are presently in the process of preparing relevant information sessions and trainings of various interlocutors on the submission of victim applications. During our preparations we have realised that owing to COVID-19, physical contact to anyone, and also *between* anyone in the relevant communities, will remain extremely limited. There are also fairly serious security concerns arising out of some of the case locations (and their environs). At the same time, we note a high level of internet connectivity or at least possession of smart phones etc amongst relevant communities (particularly the diaspora, but also within the country). We have therefore tried to further improve the way how individuals can, after receiving relevant VPRS training, fill in ICC application forms withouthavingtoprintandscanthem in order to send them back to us.

The reason for this requirement has so far rested in the necessity, by design of the application document itself, to physically sign the application form.

Previous Chambers, including this present one, have held that for an application form to be complete, it requires ‘a signature or thumb print of the applicant on the document’; see, *eg*, Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Decision Establishing the Principles Applicable to Victims’ Applications for Participation, ICC-01/14-01/18-141, 5 March 2019, para. 31. Yet, the signature is not a statutory or otherwise regulatory requirement (see Rule 94 of the RPE and Regulations 86, 88 of the Regulations of the Court). In addition, in many instances the signature of victims has been a mere mark on the form (eg. an “X”) due to illiteracy or because the concept of a signature is alien to many of the affected groups the VPRS has been interacting with.

Owing to the COVID-19 situation, in our interactions with external interlocutors the discussion of a ‘fillable electronic form’ came up, *ie* a document that can be downloaded from the ICC homepage and filled in *wholly electronically*, and then send back likewise electronically. This requirement notably goes beyond the – already existing – online application form (see on the ICC homepage [here](#)), in that the online form can only be filled in *while being online*. What is requested in the present circumstances is a form that can be downloaded and filled in electronically off-line, and then sent back to the ICC at a later stage. We have now designed such a form in the shape of a ‘fillable WORD form’ (attached) that allows a victim to fill in relevant data in pre-designed boxes while the form’s general standardised structure remains intact. The one key deviation from the standard application form that this Pre-Trial Chamber has already approved (by email of 08/07/2020 11:34) is that where previously there was a box for the – physical – signature of a victim, there now (page 3) is a box asking the victim to simply type his/her name (again) to certify the veracity of the content in the document. If this solution were to be found suitable, the VPRS would still collect a victim’s signature/mark through a scan/photocopy of the ID document that needs to be submitted alongside as a standard requirement; yet, it would no longer be on the form itself.

We believe that the present circumstances as well as the limited overall value of the physical signature on the application form militate in favour of exploring an even more accommodating electronic application process which allows us to make more intelligent use of modern means of communication – and in particular those means of communication which are at victims’ disposition. Beyond Covid-19 related concerns, by way of example, this approach would enable a single VPRS-partner organization [REDACTED] to complete numerous applications on a single device (and upload them upon securing an internet connection) rather than having to secure considerable amounts of paperwork [REDACTED]. This does not obviate the necessary direct interaction between Registry staff and victims; yet, said interaction could be facilitated virtually (phone/Whatsapp/etc.) and the process of filling an application form could be entirely electronic and feasible already through a comparably simple device (e.g. a smart phone).

I therefore herewith respectfully request the Chamber’s authorization to deploy the attached fillable standard application form with the above-referenced amendment of the signature box in the *Abd-Al-Rahman* case.

Kind regards,

[REDACTED]

**From:** [REDACTED]  
**Sent:** 18 September 2020 11:07  
**To:** Nicholls, Julian; [REDACTED]  
**Cc:** Laucci, Cyril; [REDACTED]; Pre-Trial Chamber II communications; [REDACTED]  
**Subject:** FW: The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-159-Conf - Requête en vertu des normes 23bis-2, 35-1 et 37-2 du Règlement de la Cour en vue de la Réponse à ICC-02/05-01/20-157-Conf-Red

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Dear Julian, dear colleagues,

In light of the request below and pursuant to Regulations 24(1) and 34 RoC, the Single Judge instructs the Office of the Prosecutor to submit its response to the issues raised by the Defence, by Monday 21 September 2020, at the latest.

In addition, considering the information contained in the Prosecution's request to postpone the confirmation hearing (ICC-02/05-01/20-157-Conf-Red-Corr), the Single Judge instructs the Office of the Prosecutor to postpone the filing of its third progress report on the evidence review, translation and disclosure process, due on Monday 21 September 2020, to a date to be indicated in due course.

Best regards

[REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II

**From:** [REDACTED]  
**Sent:** 06 October 2020 18:22  
**To:** [REDACTED]; Office of the Director DJSS; [REDACTED]  
**Cc:** Laucci, Cyril; Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal  
**Subject:** Order by the Single Judge to submit observations on Defence's request ICC-02/05-01/20-176-Conf-Exp - Requête en vertu de la norme 23bis-3 du Règlement de la Cour

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Dear colleagues,

Having considered the Defence's Request (ICC-02/05-01/20-176-Conf-Exp), the Single Judge deems it necessary to receive observations from the competent section of the Registry in order to make an informed decision.

Accordingly, the Registry is hereby instructed to submit a detailed report on the legal and factual issues raised by the Defence within 10 days.

Kind regards,

[REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II



**From:** [REDACTED]  
**Sent:** 09 October 2020 12:57  
**To:** Nicholls, Julian; [REDACTED]  
**Cc:** Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal; Laucci, Cyril; [REDACTED]  
**Subject:** FW: The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-174 - Requête aux fins d'arrêt ou de suspension temporaire des procédures

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Dear Julian, dear colleagues,

In light of the request below and pursuant to Regulations 24(1) and 34 RoC, the Single Judge instructs the Office of the Prosecutor to submit its response to the Defence's Request, by Wednesday 14 October 2020, at the latest.

Best regards

[REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II

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**From:** Pre-Trial Chamber II communications

**Sent:** 19 October 2020 15:48

**To:** [REDACTED]; Office of the Director DJSS; [REDACTED]

**Cc:** Pre-Trial Chamber II Legal; Laucci, Cyril; Pre-Trial Chamber II communications

**Subject:** Order by the Single Judge to submit observations on Defence's Request ICC-02/05-01/20-183-Conf - Requête aux fins d'exécution du paragraphe 25 de la Décision ICC-02/05-01/20-123-Conf

Dear colleagues,

Having considered the Defence's Request (ICC-02/05-01/20-183-Conf), the Single Judge deems it necessary to receive observations from the competent section of the Registry in order to make an informed decision.

Accordingly, the Registry is hereby instructed to submit a detailed report on the legal and factual issues raised by the Defence in its request, within 10 days of notification of said request.

Kind regards,

[REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II





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**From:** [REDACTED]

**Sent:** 19 October 2020 15:44

**To:** [REDACTED]; Office of the Director DJSS [REDACTED]

**Cc:** Pre-Trial Chamber II Legal [REDACTED]; Laucci, Cyril [REDACTED]; Nicholls, Julian [REDACTED]

**Subject:** Order by the Single Judge to submit observations on Defence's response ICC-02/05-01/20-182-Conf - Réponse à la Requête ICC-02/05-01/20-178

Dear colleagues,

Having considered the Defence's Response (ICC-02/05-01/20-182-Conf) to the Registry Request for Authorization to use a Modified Standard Application Form to Facilitate Victim Participation in the Case (ICC-02/05-01/20-178), the Single Judge deems it necessary to receive observations from the competent section of the Registry in order to make an informed decision.

Accordingly, the Registry is hereby instructed to submit a detailed report on the legal and factual issues raised in the Defence's Response, no later than 26 October 2020.

Kind regards,

[REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II



**From:** Pre-Trial Chamber II communications  
**Sent:** 02 November 2020 10:03  
**To:** Laucci, Cyril; [REDACTED]; Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal  
**Cc:** Nicholls, Julian; Office of the Director DJSS  
**Subject:** Order to file a public redacted version of filing ICC-02/05-01/20-178 and to reclassify its original version as confidential

Dear [REDACTED],

Pre-Trial Chamber II, having considered your message below, as well as the lack of objection by either the Prosecutor or the Defence, approves and authorises the proposed redaction.

Accordingly, the Registry is instructed to prepare and file a public redacted version of filing ICC-02/05-01/20-178 and to reclassify the original filing as confidential.

Thank you and kind regards.

[REDACTED], on behalf of Pre-Trial Chamber II

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**From:** Laucci, Cyril  
**Sent:** 30 October 2020 16:49  
**To:** [REDACTED]; Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal  
**Cc:** Nicholls, Julian; Office of the Director DJSS; [REDACTED]  
**Subject:** RE: Abd-Al-Rahman case - Registry information note to the Chamber on redaction issue

Dear Pre-Trial Chamber II,  
 The Defence for Mr Ali Muhammad Ali Abd-Al-Rahman has no objection to – actually supports – the proposed way forward.  
 Yours Sincerely,  
 Cyril Laucci,  
 Lead Counsel for Mr Ali Muhammad Ali Abd-Al-Rahman.

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**From:** [REDACTED]  
**Sent:** 30 October 2020 16:29  
**To:** Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal  
**Cc:** Nicholls, Julian; Laucci, Cyril; Office of the Director DJSS; [REDACTED]  
**Subject:** Abd-Al-Rahman case - Registry information note to the Chamber on redaction issue

Dear Pre-Trial Chamber II, dear Colleagues,

We are writing to you regarding the Defence submission of 12 October 2020 (ICC-02/05-01/20-182-Conf) and the suggestion that redactions may be necessary in paragraph [REDACTED] of the Registry's filing of 8 October 2020 (ICC-02/05-01/20-178) ("8 October Filing").

In the Registry's filing of 26 October 2020 (ICC-02/05-01/20-194-Conf), it was submitted that redactions are not necessary in said paragraph [REDACTED].

However, out of an abundance of caution, the Victims Participation and Reparations Section ("VPRS") still consulted the Victims and Witnesses Section ("VWS") and the Country Analysis Unit ("CAU") of the Registry for their views ([REDACTED]). In response to our query, both sections indicated that [REDACTED], the Registry could apply the redactions highlighted below:

[REDACTED]

On this basis, should the Chamber deem it relevant to redact the above-highlighted information, the Registry stands ready to file forthwith a public redacted version of the 8 October Filing and reclassify its original version as confidential.

We remain at your disposition for any further explanations.

Kind regards,

[REDACTED]  
(VPRS)

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message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.

**From:** Pre-Trial Chamber II communications  
**Sent:** 16 November 2020 14:16  
**To:** Nicholls, Julian; Laucci, Cyril  
**Cc:** [REDACTED]; Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal  
**Subject:** Order by the Single Judge to submit observations on Mr Abd-Al-Rahman's detention

Dear Counsel,

On 14 August 2020, the Single Judge issued the 'Decision on the Defence Request for Interim Release' ([ICC-02/05-01/20-115](#)), thereby (i) rejecting the Defence's request; and (ii) ordering the continued detention of Mr Abd-Al-Rahman.

Pursuant to article 60(3) of the Rome Statute and rule 118(2) of the Rules of Procedure and Evidence, a ruling on the release or detention of the person shall be periodically reviewed at least every 120 days. Accordingly, the Single Judge instructs the parties to submit any observations regarding the continued detention of Mr Abd-Al-Rahman and its periodic review. The Prosecutor shall submit such observations no later than Friday, 20 November 2020, while the Defence shall submit its observations, including any response to the Prosecutor's submissions, no later than Friday, 27 November 2020.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

**From:** Nicholls, Julian  
**Sent:** 19 November 2020 16:02  
**To:** Pre-Trial Chamber II communications; [REDACTED]; Laucci, Cyril  
**Cc:** Pre-Trial Chamber II Legal  
**Subject:** RE: Response to ICC-02/05-01/20-205-Conf - Requête en vertu de la Norme 37-2 du Règlement de la Cour

Dear [REDACTED], Mr Laucci, and other colleagues,

Please be informed that the Prosecution does not intend to file a response to the request by the Defence for an extension of the page limit (ICC-02/05-01/20-205-Conf).

Thank you very much.

Best regards,

Julian

**Julian Nicholls**

Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]




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**From:** Pre-Trial Chamber II communications  
**Sent:** 19 November 2020 14:03  
**To:** Nicholls, Julian; [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal  
**Subject:** Response to ICC-02/05-01/20-205-Conf - Requête en vertu de la Norme 37-2 du Règlement de la Cour

Dear Mr Nicholls,

The Single Judge has asked me to enquire with you whether the Office of the Prosecutor intends to file a response to the Defence's request for an extension of page limit referred to above (ICC-02/05-01/20-205-Conf). If so, the deadline for doing so is set on Tuesday 24 November 2020 at 16:00.

If the Office does not intend to submit a response, kindly inform the Chamber at your earliest convenience.

Sincerely yours,

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 25 November 2020 17:24  
**To:** Nicholls, Julian; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]; Laucci, Cyril; Court Management-Court Records; [REDACTED]  
**Subject:** RE: Request for reclassification of Confidential Annex 1 (ICC-02/05-01/20-209-Conf-Anx1)

Dear Mr Nicholls,

The Single Judge grants the request and orders the Registry to reclassify ICC-02/05-01/20-209-Conf-Anx1 as public.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

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**From:** Nicholls, Julian  
**Sent:** 25 November 2020 15:50  
**To:** Pre-Trial Chamber II communications; Laucci, Cyril  
**Cc:** [REDACTED]  
**Subject:** Request for reclassification of Confidential Annex 1 (ICC-02/05-01/20-209-Conf-Anx1)

Dear Pre-Trial Chamber II communications team,

Dear Mr Laucci and defence team,

The Prosecution will soon file the Public Redacted Version of the “Prosecution’s observations on review of the pre-trial detention of Mr Ali Muhammad Ali Abd-Al-Rahman (“ALI KUSHAYB”)”, 20 November 2020, ICC-02/05-01/20-209-Conf.

In relation to Confidential Annex 1 (ICC-02/05-01/20-209-Conf-Anx1) of this submission, we would request the Pre-Trial Chamber to authorise the re-classification of this annex to public since we are not making redactions to this annex.

Thank you.

Best regards,

Julian



**Julian Nicholls**

Senior Trial Lawyer Office of  
 the Prosecutor International  
 Criminal Court

[REDACTED]



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**From:** Pre-Trial Chamber II communications  
**Sent:** 26 November 2020 16:57  
**To:** Nicholls, Julian  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]  
**Subject:** RE: Translation of DCC and Pre-Confirmation Brief

Dear Mr Nicholls,

The Single Judge of Pre-Trial Chamber II has asked me to inform you that he is of the view that article 67(1)(a) of the Statute applies to both the DCC as well as the pre-confirmation brief. This means that the Prosecutor must provide a translation into Arabic for the benefit of the suspect at the same time when the DCC and the pre-confirmation brief are respectively due.

The Single Judge further wishes to draw the Prosecutor's attention to the applicable page limits:  
 30 pages for the DCC (regulation 38(3)(g) of the Regulations of the Court)  
 120 pages for the pre-confirmation brief (regulation 38(1)(a) of the Regulations of the Court).

Sincerely yours,

[REDACTED]

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**From:** Nicholls, Julian  
**Sent:** 25 November 2020 15:57  
**To:** Pre-Trial Chamber II communications  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]  
**Subject:** RE: Translation of DCC and Pre-Confirmation Brief

Dear [REDACTED] and communications team,

The Prosecution intends to file English and Arabic versions of the DCC simultaneously. In our planning we had not intended to file an Arabic version of the Pre-Confirmation Brief but only to file in English.

I hope I have answered your question, please let me know if you need more information.

Thank you.

Best regards,

Julian

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**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 25 November 2020 10:53  
**To:** Nicholls, Julian [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** Translation of DCC and Pre-Confirmation Brief

Dear Mr Nicholls,

The Single Judge has asked me to inquire with you whether the Prosecutor intends to file an Arabic version of its DCC and Pre-Confirmation Brief and, if so, whether it will be possible to file the translations on the same day as the English version.

With best wishes

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 01 December 2020 17:03  
**To:** Nicholls, Julian; Pre-Trial Chamber II communications; Laucci, Cyril  
**Cc:** [REDACTED]; Court Management-Court Records; [REDACTED]  
**Subject:** RE: Reclassification request: “Prosecution’s response to ‘Requête en vertu de l’Article 67-2 du Statut et/ou de la norme 23bis(3) du Règlement de la Cour’, 20 November 2020, ICC-02/05-01/20-208-Conf” (30 November 2020, ICC-02/05-01/20-215-Conf).

Dear Mr Nicholls,

The Single Judge grants the request, and directs the Registry to reclassify filing ICC-02/05-01/20-215-Conf as public.

Kind regards,  
 [REDACTED], on behalf of the Single Judge

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**From:** Nicholls, Julian [REDACTED]  
**Sent:** 01 December 2020 13:48  
**To:** Pre-Trial Chamber II communications [REDACTED]; Laucci, Cyril [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Reclassification request: “Prosecution’s response to ‘Requête en vertu de l’Article 67-2 du Statut et/ou de la norme 23bis(3) du Règlement de la Cour’, 20 November 2020, ICC-02/05-01/20-208-Conf” (30 November 2020, ICC-02/05-01/20-215-Conf).

Dear Pre-Trial Chamber II communications team,

Dear Mr Laucci and defence team,

The Prosecution kindly requests the Pre-Trial Chamber to authorise the re-classification to public of the Prosecution’s submission entitled “Prosecution’s response to ‘*Requête en vertu de l’Article 67-2 du Statut et/ou de la norme 23bis(3) du Règlement de la Cour*’, 20 November 2020, ICC-02/05-01/20-208-Conf” (30 November 2020, ICC-02/05-01/20-215-Conf). This submission may be reclassified as public as there is a public version of the submission that it responds to.

Thank you.

Best regards,

Julian

**Julian Nicholls**



Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 11 December 2020 16:15  
**To:** Nicholls, Julian; Pre-Trial Chamber II communications  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]; Laucci, Cyril  
**Subject:** RE: Error in submission last week

Dear Mr Nicholls,

The Chamber as asked me to inform you that it has taken note of the minor typographical error and that no further action is required.

Sincerely yours,

[REDACTED]

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**From:** Nicholls, Julian [REDACTED]  
**Sent:** 11 December 2020 14:01  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]; Laucci, Cyril [REDACTED]  
**Subject:** Error in submission last week

Dear Pre-Trial Chamber II communications team and other colleagues,

I am writing to apologise to Pre-Trial Chamber for a typographical error in our submission last week requesting postponement of the confirmation hearing and related deadlines (ICC-02/05-01/20-218-Conf (Confidential), ICC-02/05-01/20-218-Red (PRV)).

In paragraph 1 of the submission we inadvertently omitted “Pre-“ from “Pre-Trial Chamber II” when defining the “Chamber” in the text of the submission.

As the cover sheet of the submission is correct, I do not believe that this error creates confusion and it is clear that the submission is before the Pre-Trial Chamber II.

Again, I apologise for this error and stand ready to file a corrigendum should it be necessary. I would be happy for direction from the Chamber on this matter.

Thank you.

Best regards,

Julian

**Julian Nicholls**



Cour  
Pénale  
Internationale  
International  
Criminal  
Court

Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 15 December 2020 17:57  
**To:** Nicholls, Julian; [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]; Laucci, Cyril; [REDACTED]  
**Subject:** Defence's *Requête en vertu des Articles 4-2 et 68-1 du Statut* (ICC-02/05-01/20-231-Conf-Exp)

Dear Mr Nicholls,  
 Dear [REDACTED],

The Single Judge has asked me to inform you that the deadline for submitting a response to the Defence's *Requête en vertu des Articles 4-2 et 68-1 du Statut* (ICC-02/05-01/20-231-Conf-Exp) has been extended until Friday 15 January 2021.

The Single Judge also invites observations from the Registry pursuant to regulation 24bis of the Regulations of the Court, to be filed by the same date.

Finally, the Single Judge instructs the parties to refrain from submitting non-urgent filings during the court recess. Unless indicated otherwise, any time limits that end during the court recess are automatically extended until the first working day after the recess.

Sincerely yours,

[REDACTED]

.

**From:** Pre-Trial Chamber II communications  
**Sent:** 08 January 2021 09:47  
**To:** [REDACTED]  
**Cc:** Pre-Trial Chamber II communications; [REDACTED]; Nicholls, Julian[REDACTED]; Laucci, Cyril  
**Subject:** Direction of the Single Judge

Dear [REDACTED],

Thank you for your message.

The Single Judge has taken note of this, and directs the Prosecutor to submit a filing in relation to the below matter.

Kind regards,  
 [REDACTED], on behalf of the Single Judge

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**From:** [REDACTED]  
**Sent:** 07 January 2021 13:44  
**To:** Pre-Trial Chamber II communications [REDACTED]; Laucci, Cyril [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** Prosecutor v. Abd-Al-Rahman ("Ali Kushayb"): withdrawal of non-disclosure request concerning witness P-0091

Dear Pre-Trial Chamber II communications team, Mr Laucci and other colleagues,

I write in relation to Witness P-0091, whose statement was disclosed with identity redactions on 7 December 2020 and who is one of the witnesses included in the Prosecution's first request for the authorisation of non-disclosure of witness identities (ICC-02/05-01/20-242-Conf-Exp, paragraph 18).

The Prosecution has now been able to contact this witness and establish that his identity can now be disclosed. The Prosecution would therefore like to withdraw its request for authorisation for the non-disclosure of this witness' identity.

The Prosecution will disclose a lesser redacted version of Witness [REDACTED] shortly.

Please accept our sincere apologies for any inconvenience.

If any further action is required by the Prosecution in relation to the authorisation of non-disclosure filing (ICC-02/05-01/20-242-Conf-Exp) we are ready to undertake this, as the Chamber may direct.

Kind regards,

[REDACTED] (on behalf of Julian Nicholls)

[REDACTED]





[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 08 January 2021 14:49  
**To:** Nicholls, Julian; [REDACTED]  
**Cc:** [REDACTED]; Laucci, Cyril; Pre-Trial Chamber II communications  
**Subject:** Direction of the Single Judge

Dear Mr Nicholls,  
Dear [REDACTED],

The Single Judge directs the Prosecutor to provide submissions on the Defence request, contained in filing ICC-02/05-01/20-246-Conf, for redactions to be lifted from paragraphs 11 and 15 of the Prosecutor's filing ICC-02/05-01/20-242-Conf-Red. The submissions shall be provided by 13 January 2021.

Kind regards,  
[REDACTED], on behalf of the Single Judge

**From:** [REDACTED]  
**Sent:** 12 January 2021 12:31  
**To:** Laucci, Cyril; Nicholls, Julian; [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal  
**Subject:** Request for Guidance on Modalities for Submissions relating to Applications for Victim Participation - ICC-02/05-01/20-251

Dear Mr Nicholls,  
Dear Mr Laucci,

The Chamber has asked me to convey the following instruction: if the Prosecutor or the Defence wish to respond to the Request for Guidance on Modalities for Submissions relating to Applications for Victim Participation (ICC-02/05-01/20-251), such responses should be filed no later than tomorrow, Wednesday 13 January 2021 at 16:00. If you do not intend to file a response, kindly let us know at your earliest convenience.

With best wishes,

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 13 January 2021 09:15  
**To:** Laucci, Cyril  
**Cc:** Nicholls, Julian; [REDACTED]; Pre-Trial Chamber II communications  
**Subject:** ICC-02/05-01/20-242-Conf-Red2 - Lesser Redacted Version of "Prosecution's first request for the authorisation of non-disclosure of witness identities", 18 December 2020, ICC-02/05-01/20-2

Dear Mr Laucci,

In light of the exceptional circumstances, the Single Judge authorises the Defence to submit observations on the 'Lesser Redacted Version of the "Prosecution's first request for the authorisation of non-disclosure of witness identities"' (ICC-02/05-01/20-242-Conf-Red2) by no later than 16:00 on 15 January 2021.

Kind regards,  
 [REDACTED], on behalf of the Single Judge

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**From:** Laucci, Cyril [REDACTED]  
**Sent:** 12 January 2021 16:56  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Nicholls, Julian [REDACTED]  
**Subject:** FW: The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-242-Conf-Red2 - Lesser Redacted Version of "Prosecution's first request for the authorisation of non-disclosure of witness identities", 18 December 2020, ICC-02/05-01/20-2  
**Importance:** High

Dear Pre-Trial Chamber II,  
 The Defence is in receipt of the below lesser redacted version of application #242-Conf and is seeking authorization to file additional observations in response thereto. These observations would come in addition to observations #246-Conf. As to the timeframe, the Defence may propose to file these by Friday 15 January 2021, 4.00 p.m. at the latest if it receives authorization to do so in the course of tomorrow.

Yours Sincerely,  
 Cyril Laucci,  
 Lead Counsel for Mr Ali Muhammad Ali Abd-Al-Rahman.

**From:** Pre-Trial Chamber II communications  
**Sent:** 19 January 2021 17:33  
**To:** Pre-Trial Chamber II communications; Nicholls, Julian  
**Cc:** Nicholls, Julian; Laucci, Cyril; Pellet, Sarah; [REDACTED] Pre-Trial Chamber II Legal; Court Management-Court Records; [REDACTED]  
**Subject:** Single Judge's order instructing the Prosecutor to provide a complete and accurate list of disclosed witnesses

Dear Mr Nicholls,  
 Dear colleagues,

The Single Judge wishes to draw the Prosecutor's attention to some inconsistencies detected by the Chamber in the context of its ongoing perusal of the evidence disclosed in the case, as regards in particular the witness statements/transcripts and their annexes.

Prior to the latest disclosure package dated 15 January 2021, e-court showed material disclosed in respect of [REDACTED] witnesses. This figure would include [REDACTED]: however, no material seems to have yet been disclosed for this Witness; the only item appearing in e-court as linked to this witness ([REDACTED]) seems instead an annex to [REDACTED].

However, paragraph 7 of the 'Prosecution's ninth progress report on the evidence review, translation and disclosure process' (ICC-02/05-01/20-249), states that, as of 8 January 2021, the Prosecutor had 'already disclosed material related to 64 witnesses'.

The Single Judge considers it of the essence that the Chamber, the parties and participants have a clear and accurate picture of the number of witnesses having been disclosed at all times.

Accordingly, the Prosecutor is hereby instructed to provide an accurate and up-to-date list/table of witnesses in relation to whom material has been disclosed, including the following information:

- (i) witnesses pseudonyms;
- (ii) date of disclosure;
- (iii) progress regarding translation.

This list should be available to the parties and participants at all times and be promptly updated as soon as new, additional witnesses are disclosed. The next progress report on disclosure, due on Friday, 22 January 2021, will provide an opportunity to include this list as an additional annex.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

**From:** Pre-Trial Chamber II communications  
**Sent:** 20 January 2021 12:10  
**To:** [REDACTED]  
**Cc:** Pre-Trial Chamber II communications; Laucci, Cyril; Pellet, Sarah; Massidda, Paolina; [REDACTED]; Pre-Trial Chamber II Legal; Court Management-Court Records; [REDACTED]  
**Subject:** Requête en vertu de l'Article 87-5-b du Statut de la Cour (ICC-02/05-01/20-263-Conf-Exp + Conf-Exp-Anxs)

Dear [REDACTED],

The Single Judge of Pre-Trial Chamber II has asked me to convey the following instruction:

The Registry is instructed to file submissions in relation to the Defence's *Requête en vertu de l'Article 87-5-b du Statut de la Cour* (ICC-02/05-01/20-263-Conf-Exp + Conf-Exp-Anxs) no later than Monday 1 February 2021.

I would be grateful if you could please relay this instruction to the relevant unit(s) of the Registry.

With best wishes,

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 22 January 2021 14:23  
**To:** Nicholls, Julian  
**Cc:** Laucci, Cyril; Pellet, Sarah; [REDACTED]; Pre-Trial Chamber II Legal; Court Management-Court Records; [REDACTED]; [REDACTED]; Pre-Trial Chamber II communications; Massidda, Paolina; Pellet, Sarah; [REDACTED]  
**Subject:** RE: Single Judge's order instructing the Prosecutor to provide a complete and accurate list of disclosed witnesses

Dear Mr Nicholls,  
 Dear colleagues,

In light of the Prosecutor's email below, the Single Judge has asked me to convey the following instructions:

Henceforth, the Office of Public Counsel for the Victims shall have access to all confidential filings and should be notified accordingly. The OPCV shall also have access to confidential evidence in e-Court. The OPCV is not allowed to disclose the content of confidential filings and evidence to the victims.

Sincerely yours,

[REDACTED]

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**From:** Nicholls, Julian [REDACTED]  
**Sent:** 22 January 2021 14:04  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Laucci, Cyril [REDACTED]; Pellet, Sarah [REDACTED]; Pre-Trial Chamber II Legal [REDACTED]; Court Management-Court Records [REDACTED]; [REDACTED]  
**Subject:** RE: Single Judge's order instructing the Prosecutor to provide a complete and accurate list of disclosed witnesses

Dear Pre-Trial Chamber II communications team,

Dear colleagues,

The Prosecution will file its tenth progress report on the evidence review, translation and disclosure process later today. As instructed by the Single Judge on 19 January 2021, we have prepared an up-to-date table of witnesses in relation to whom material has been disclosed. This table will be filed as confidential Annex 3 to the tenth progress report.

The Prosecution notes the direction by the Single Judge by email on 19 January 2021 that "it is of the essence that the Chamber, the parties and participants have a clear and accurate picture of the number of witnesses having been disclosed at all times". In light of this, the Prosecution seeks to clarify whether

the annex in question should be notified to the OPCV as the common legal representative for victims. The Prosecution has no objection to doing so.

In this respect, the Prosecution also notes the Chamber's finding in Decision 259 concerning the principles applicable to victims' representation during the confirmation hearing that: "A decision on the modalities for participation in the confirmation proceedings, including rights to access material in the case file and permission to file submissions, will be rendered in due course" (para. 38).

Thank you very much for your assistance in this regard. We stand ready to implement the Chamber's instructions in relation to this matter.

Best,

Julian Nicholls

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**From:** Pre-Trial Chamber II communications [REDACTED]

**Sent:** 19 January 2021 17:33

**To:** Pre-Trial Chamber II communications [REDACTED]; Nicholls, Julian [REDACTED]

**Cc:** Nicholls, Julian <[REDACTED]>; Laucci, Cyril [REDACTED]; Pellet, Sarah [REDACTED]; Pre-Trial Chamber II Legal [REDACTED]; Court Management-Court Records [REDACTED]

**Subject:** Single Judge's order instructing the Prosecutor to provide a complete and accurate list of disclosed witnesses

Dear Mr Nicholls,  
Dear colleagues,

The Single Judge wishes to draw the Prosecutor's attention to some inconsistencies detected by the Chamber in the context of its ongoing perusal of the evidence disclosed in the case, as regards in particular the witness statements/transcripts and their annexes.

Prior to the latest disclosure package dated 15 January 2021, e-court showed material disclosed in respect of 71 witnesses. This figure would include Witness P-0074: however, no material seems to have yet been disclosed for this Witness; the only item appearing in e-court as linked to this witness ([REDACTED]) seems instead an annex to Witness P-0724's statement.

However, paragraph 7 of the 'Prosecution's ninth progress report on the evidence review, translation and disclosure process' (ICC-02/05-01/20-249), states that, as of 8 January 2021, the Prosecutor had 'already disclosed material related to 64 witnesses'.

The Single Judge considers it of the essence that the Chamber, the parties and participants have a clear and accurate picture of the number of witnesses having been disclosed at all times.

Accordingly, the Prosecutor is hereby instructed to provide an accurate and up-to-date list/table of witnesses in relation to whom material has been disclosed, including the following information:



- (i) witnesses pseudonyms;
- (ii) date of disclosure;
- (iii) progress regarding translation.

This list should be available to the parties and participants at all times and be promptly updated as soon as new, additional witnesses are disclosed. The next progress report on disclosure, due on Friday, 22 January 2021, will provide an opportunity to include this list as an additional annex.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

**From:** Pre-Trial Chamber II communications  
**Sent:** 29 January 2021 17:25  
**To:** [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal; Pre-Trial Chamber II communications  
**Subject:** Instructions to submit observations

Dear [REDACTED],

Judge Aitala has asked me to convey the following instructions to CMS:

CMS is instructed to submit observations providing full details on the background of the following filing: ‘Request for appointment, or in the alternative, reconsideration or leave to appeal’ (ICC-02/05-01/20-268).

The abovementioned observations must be filed by Tuesday 2 February 2021 16:00 at the latest.

With best wishes,

[REDACTED]

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**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 05 February 2021 12:05  
**To:** [REDACTED]; Nicholls, Julian [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]; Laucci, Cyril [REDACTED]; Pellet, Sarah [REDACTED]; Massidda, Paolina [REDACTED]; Pellet, Sarah [REDACTED]  
**Subject:** Duplicate exhibits in E-Court

Dear [REDACTED],

The Chamber has noticed that some exhibits appear to have been disclosed more than once under different ERN's. Below are four examples:

[REDACTED]

E-Court currently contains two different versions of the translation of the [REDACTED]:

[REDACTED], (disclosed as part of INCRIM07)

[REDACTED], (also disclosed as part of INCRIM07)

The second appears to be a (more) complete version of the former. Yet, they refer to different source documents (one appears to be a transcription of the other, but since both are in Arabic, it is impossible for us to tell).

What is confusing is that the Disclosure notes seem to refer to different parts of the original exhibit, even though the second (more complete version) appears to contain all the passages to which the Disclosure notes of the first version refer.

[REDACTED]

E-Court currently contains two different copies of the [REDACTED]:

[REDACTED], (disclosed as part of INCRIM4)

[REDACTED], (disclosed as part of INCRIM16)

The first version is missing the executive summary, but the rest seems identical. Yet, the disclosure notes refer to different paragraphs. It is also unclear why the second version, which was obtained from an open source is classified as confidential.

[REDACTED]

E-Court currently contains two different versions of the [REDACTED]. The two versions are not identical.

[REDACTED], (disclosed as part of INCRIM4) contains 2 extra pages in French, but starting from [REDACTED] (even though the signatures seem different). This is a poor quality scan and parts of it are illegible.

[REDACTED], (disclosed as part of INCRIM16) contains the same [REDACTED] and additionally a '[REDACTED]'.

As in the previous cases, the Disclosure notes are different. The Disclosure note for the first exhibit refers to the last page of the [REDACTED], whereas the Disclosure note for the second exhibit refers to the last page of the [REDACTED]. Since the first exhibit is largely illegible, it is unclear why this is the one referred to/relied on.

It is also unclear why [REDACTED] is marked as confidential, seeing that it was obtained from an open source.

[REDACTED]  
E-Court currently contains two different copies of [REDACTED]:

[REDACTED] (disclosed as part of INCRIM1)

[REDACTED] (disclosed as part of INCRIM16)

The first version contains an additional second page (containing copyright information, which in the second version is mentioned on the cover page).

General observations:

It is understood that sometimes the 'older versions' are the exhibits referred to in the Applications of Warrants of Arrest and that the 'new versions' are either more official, more complete, or more legible and that the Prosecutor may prefer relying on the latter. What is confusing, however, is when both versions contain Disclosure notes that refer to different parts of what is essentially the same exhibit.

It would therefore be very helpful if, in future, the Office of the Prosecutor could ensure that, when the same exhibit is disclosed more than once, (a) it is made clear which version will be relied upon for the purposes of the confirmation hearing; (b) one comprehensive overview of all the INCRIM passages that have been identified is provided in the Disclosure notes of the version that will be relied upon; (c) the two versions are linked in Source/Attachments; and (d) an explanation is provided as to why it is considered necessary to disclose more than one version (this can be done in the Disclosure notes).

If the disclosure of duplicates was the result of an oversight, it would be appreciated if the superfluous versions could be removed from E-Court.

Sincerely yours,

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 08 February 2021 11:05  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Pre-Trial Chamber II communications; [REDACTED]  
**Subject:** RE: Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear [REDACTED] and [REDACTED],

The Single Judge directs that CMS should follow the approach taken in past precedents, unless there is some reason why this would not be the case here. In the event of the latter, it is requested that CMS provide further detail.

Kind regards,  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 08 February 2021 10:28  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Pre-Trial Chamber II communications [REDACTED]  
**Subject:** RE: Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear both,

I am contacting you regarding the below submission.  
Unless I am mistaken, CMS has not received any feedback from the Chamber.

Could you please let me know if you have an update? So that we can inform the submitter accordingly.

Kind regards,  
[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 03 February 2021 17:54  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Pre-Trial Chamber II communications [REDACTED]  
**Subject:** FW: Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear [REDACTED],

Thank you for this. I include my colleagues [REDACTED] and [REDACTED], who are responsible for procedural matters in this case.  
For future reference, please always include the Pre-Trial Chamber II Communications address among the addressees, so that all members of the team can easily see it and take action in accordance with the division of tasks.

Merci et bonne soiree,

[REDACTED]

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**From:** Court Management-Court Records [REDACTED]  
**Sent:** 03 February 2021 17:04  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear [REDACTED],

We are contacting you in order to know whether or not the attached FIDH filing should be directly registered in the case Ali Muhammad Ali-Abd-Al-Rahman ('Ali Kushayb') ICC-02/05-01/20 – or through a Registry transmission filing.

Kind regards,

Court Management Section  
 [REDACTED]

**From:** [REDACTED]  
**Sent:** 03 February 2021 13:11  
**To:** Court Management-Court Records [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear Court Management Team,

FIDH kindly requests that you file their 'Request for Leave to Submit *Amicus Curiae* Observations Pursuant to Rule 103 of the Rules of Procedure and Evidence' before Pre-Trial Chamber II, in the case of *The Prosecutor v. Ali Muhammad Ali-Abd-Al-Rahman* ('Ali Kushayb') (ICC-02/05-01/20).

A pdf and a Word version of both documents has been attached to this email,

Please do not hesitate to contact me if you have any questions,

Kind Regards,

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 08 February 2021 11:53  
**To:** Massidda, Paolina  
**Cc:** [REDACTED]; Pellet, Sarah; [REDACTED]; Pre-Trial Chamber II communications; [REDACTED]; Court Management-Court Records  
**Subject:** Direction of the Single Judge - Confidential Ex Parte Registry only Annex of filing ICC-02/05-01/20-211

Dear Ms Massidda,

The Single Judge grants the request, and directs the Registry to provide the OPCV with access to filing ICC-02/05-01/20-211-Conf-Exp-Anx.

Kind regards,  
 [REDACTED]

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**From:** Massidda, Paolina [REDACTED]  
**Sent:** 08 February 2021 07:30  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]; Pellet, Sarah [REDACTED]  
**Subject:** Abd-Al-Rahman case - Request to access the Confidential Ex Parte Registry only Annex of filing ICC-02/05-01/20-211

Dear Pre-Trial Chamber II,

Having reviewed the record of the case, Counsel respectfully requests the Chamber to have access to the Confidential *Ex Parte* Registry only Annex of filing ICC-02/05-01/20-211 ("*Registry Report on Proof of Identity Documents Available to Victims of the Case*").


The Annex contains, in her submission, information useful for the fulfilment of her mandate of assisting the applicants in the case.

In this regard, Counsel also informs the Chamber that last week she consulted with the Chief of the VPRS, who indicated that he has no objection for the OPCV to access said Annex.

Kind regards,  
 Paolina Massidda

#OPCV15  
 #VictimsMatter

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**Paolina Massidda**

Conseil principal / Principal Counsel  
 Bureau du conseil public pour les victimes (BCPV)  
 Office of Public Counsel for Victims (OPCV)  
 International Criminal Court  
 [REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 09 February 2021 11:56  
**To:** [REDACTED]  
**Cc:** Pre-Trial Chamber II communications; Ecourt Support; Nicholls, Julian; [REDACTED]; Laucci, Cyril; [REDACTED]; Court Management-Court Records  
**Subject:** Direction of the Single Judge - Inadvertent Disclosure: [REDACTED]

Dear Counsel,

The Single Judge takes note of the inadvertent disclosure of information relating to [REDACTED], and the inadvertent disclosure of [REDACTED].

With a view to preventing further dissemination, the Registry is instructed to restrict the Abd-Al-Rahman Defence team's access to documents [REDACTED] on a temporary basis, and to investigate whether the documents have already been accessed by any of the members of that Defence team since the time of their disclosure.

In addition, the Single Judge authorises the Prosecutor to re-disclose all three documents after proper redactions have been applied, updating the metadata of the newly uploaded version with a brief explanation.

Following this, CMS is directed to remove from eCourt the versions of documents [REDACTED] that contain the inadvertent disclosure.

Kind regards,  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 08 February 2021 16:10  
**To:** [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]; Pre-Trial Chamber II communications [REDACTED]; Ecourt Support [REDACTED]; Nicholls, Julian [REDACTED]; Laucci, Cyril [REDACTED]  
**Subject:** RE: Instructions on procedure

Dear [REDACTED],

Further to our email below, the Prosecution seeks the Chamber's authorization to:

1. re-disclose [REDACTED] to the Defence after applying the proper redactions; and
2. instruct CMS to remove from eCourt the version that contains the inadvertent disclosure and replace it with the newly disclosed document with the proper redactions.

Respectfully

[REDACTED]  
(on behalf of Julian Nicholls)



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**From:** [REDACTED]

**Sent:** 28 January 2021 10:33

**To:** [REDACTED]

**Cc:** Pre-Trial Chamber II Legal [REDACTED]; Pre-Trial Chamber II communications [REDACTED]; Ecourt Support [REDACTED]; Nicholls, Julian [REDACTED]; Laucci, Cyril [REDACTED]

**Subject:** Instructions on procedure

Dear [REDACTED],

The Prosecution would like to seek the Chamber's instructions on the procedure of re-disclosure and re-issuance of the images and metadata in relation to evidence already disclosed.

Yesterday, the Prosecution discovered that [REDACTED] was mistakenly left unredacted in [REDACTED]. In accordance with the protocol on inadvertent disclosure, the Prosecution contacted the Defence team to ask them to kindly refrain from opening or distributing [REDACTED] in the Defence's Ringtail database and destroy any copies. The Prosecution will re-disclose this item with the additional redaction and updated disclosure note field this Friday, 29 January 2021.

The corrected metadata fields and images will be sent to E-court colleagues who will then overwrite the concerned item with the updates.

We will do our best to avoid another such situation, however should the Prosecution have to re-disclose an item in the future, the Prosecution proposes that we will re-disclose concerned evidence and inform the Chamber via a disclosure filing. Alternatively, the Prosecution will seek your approval prior to re-disclosing concerned evidence and requesting E-court colleagues to update concerned images and metadata as appropriate.

We would appreciate if you could instruct us on the procedure which will be followed in the future.

Thank you.

Kind regards,  
[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 09 February 2021 15:49  
**To:** Nicholls, Julian; [REDACTED]; Court Management-Court Records; [REDACTED]  
**Cc:** Pre-Trial Chamber II communications  
**Subject:** Order instructing the Prosecutor to provide missing information regarding item [REDACTED]

Dear Mr Nicholls,  
Dear colleagues,

The Single Judge notes that the e-court metadata relating to item [REDACTED], disclosed on 29 January 2021, do not contain the field 'Related to witness'.

Accordingly, the Prosecutor is hereby instructed to clarify the reason for this omission and to take the necessary steps to remedy it.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

**From:** Pre-Trial Chamber II communications  
**Sent:** 10 February 2021 15:01  
**To:** [REDACTED]; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]  
**Subject:** Direction of the Single Judge - Request for Leave to Submit Amicus Curiae Submission

Dear [REDACTED],  
 Dear [REDACTED],

Thank you.

The Single Judge directs CMS to submit the amicus filing directly into the record.

Kind regards,  
 [REDACTED]

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**From:** [REDACTED]  
**Sent:** 08 February 2021 11:13  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear [REDACTED],

Thank you for your e-mail.

CMS practice is, after consultation with the concerned Chamber, to file a request to submit as *Amicus Curiae* directly into the record, i.e. without transmission filing.

Could you please kindly confirm that the Chamber agrees with this *modus operandi*?

Many thanks in advance.

Kind regards,  
 [REDACTED]

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**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 08 February 2021 11:05  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Pre-Trial Chamber II communications [REDACTED]  
**Subject:** RE: Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear [REDACTED] and [REDACTED],

The Single Judge directs that CMS should follow the approach taken in past precedents, unless there is some reason why this would not be the case here. In the event of the latter, it is requested that CMS provide further detail.

Kind regards,  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 08 February 2021 10:28  
**To:** [REDACTED];  
**Cc:** [REDACTED]; Pre-Trial Chamber II communications [REDACTED]  
**Subject:** RE: Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear both,

I am contacting you regarding the below submission.  
 Unless I am mistaken, CMS has not received any feedback from the Chamber.

Could you please let me know if you have an update? So that we can inform the submitter accordingly.

Kind regards,  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 03 February 2021 17:54  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Pre-Trial Chamber II communications [REDACTED]  
**Subject:** FW: Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear [REDACTED],

Thank you for this. I include my colleagues [REDACTED] and [REDACTED], who are responsible for procedural matters in this case.  
 For future reference, please always include the Pre-Trial Chamber II Communications address among the addressees, so that all members of the team can easily see it and take action in accordance with the division of tasks.

Merci et bonne soiree,

[REDACTED]

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**From:** Court Management-Court Records [REDACTED]  
**Sent:** 03 February 2021 17:04  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** FW: Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear [REDACTED],

We are contacting you in order to know whether or not the attached FIDH filing should be directly registered in the case Ali Muhammad Ali-Abd-Al-Rahman ('Ali Kushayb') ICC-02/05-01/20 – or through a Registry transmission filing.

Kind regards,

Court Management Section  
[REDACTED]

**From:** [REDACTED]

**Sent:** 03 February 2021 13:11

**To:** Court Management-Court Records [REDACTED]

**Cc:** [REDACTED]

**Subject:** Request for Leave to Submit Amicus Curiae Submission Ali Kushayb

Dear Court Management Team,

FIDH kindly requests that you file their 'Request for Leave to Submit *Amicus Curiae* Observations Pursuant to Rule 103 of the Rules of Procedure and Evidence' before Pre-Trial Chamber II, in the case of *The Prosecutor v. Ali Muhammad Ali-Abd-Al-Rahman* ('Ali Kushayb') (ICC-02/05-01/20).

A pdf and a Word version of both documents has been attached to this email,

Please do not hesitate to contact me if you have any questions,

Kind Regards,

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 11 February 2021 17:56  
**To:** [REDACTED]; Nicholls, Julian; [REDACTED]; Ecourt Support  
**Cc:** Pre-Trial Chamber II Legal; Laucci, Cyril; Pellet, Sarah; [REDACTED]; Massidda, Paolina; Pellet, Sarah; [REDACTED]; Pre-Trial Chamber II communications  
**Subject:** Order concerning duplicates in E-Court

Dear [REDACTED],

The Single Judge has taken note of the explanations provided by the Office of the Prosecutor. He approves the suggested solution in relation to [REDACTED]. However, he reiterates that the Office of the Prosecutor is expected to exercise the utmost care in order to avoid duplications in the future.

As regards [REDACTED], the Single Judge authorises its removal from E-Court considering that its content is identical to [REDACTED] and that there is no reason to have two different versions of the same document in the record. The Registry is instructed to implement this order and to remove the item from E-Court.

With best wishes,

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 10 February 2021 19:45  
**To:** Pre-Trial Chamber II communications <[REDACTED]; Nicholls, Julian [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal <[REDACTED]; Laucci, Cyril [REDACTED]; Pellet, Sarah [REDACTED]; Massidda, Paolina [REDACTED]; Pellet, Sarah [REDACTED]  
**Subject:** RE: Duplicate exhibits in E-Court

Dear [REDACTED],

Thank you for your email. The Prosecution has looked into the items that you mentioned below and please find the following explanations:

**Group 1:**

[REDACTED] is [REDACTED] which was disclosed as part of [REDACTED];  
 [REDACTED] is [REDACTED] which was received by [REDACTED].

The Prosecution is of the view that these [REDACTED] should remain in E-court because they are not identical duplicates and were both cited in [REDACTED].

**Group 2:**

[REDACTED] was disclosed as part of the [REDACTED];  
 [REDACTED] was obtained from an open source.

The Prosecution is of the view that these items should remain in E-court because they are not identical duplicates. [REDACTED] was cited in the Prosecution's first arrest warrant application but [REDACTED] is a more complete and legible version. Since [REDACTED] was obtained from an open source, the Prosecution will re-classify the confidential level to reflect that it is a public item.

**Group 3:**

[REDACTED] was disclosed as part of the [REDACTED];  
[REDACTED] was obtained from an open source.

The Prosecution is of the view that these items should remain in E-court because they are not identical duplicates. [REDACTED] was cited in the Prosecution's first arrest warrant application but [REDACTED] is a more complete and legible version. Since [REDACTED] was obtained from an open source, the Prosecution will re-classify the confidential level to reflect that it is a public item.

For the items in Groups 1, 2 and 3, the Prosecution will (a) make clear which version will be relied upon for the purposes of the confirmation hearing; (b) provide one comprehensive overview of all the INCRIM passages that have been identified in the Disclosure Note of the version that will be relied upon; (c) link the two versions in Source/Attachments; and (d) provide an explanation as to why it is considered necessary to disclose more than one version in the Disclosure Note.

The updated metadata fields will be re-issued as soon as possible.

**Group 4:**

[REDACTED] was disclosed in August 2020.  
[REDACTED] was disclosed in October 2020.

The Prosecution is of the view that these items are not identical duplicates but the content appears to be the same. The Prosecution hereby seeks the Chamber's authorization to remove [REDACTED] from E-court.

Finally, as the Chamber is likely aware, Ringtail does not allow the automatic identification of duplicates. This exercise is time consuming and needs to be done manually. To date, the duplicate review has been done for [REDACTED] items in Ringtail database.

The Prosecution will continue to make every effort to ensure that duplicates are identified and to ensure the consistency of information provided in Disclosure Notes in relation to similar documents.

Kind regards,

[REDACTED]

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**From:** Pre-Trial Chamber II communications [REDACTED]

**Sent:** 05 February 2021 12:05

**To:** [REDACTED]; Nicholls, Julian [REDACTED]

**Cc:** Pre-Trial Chamber II Legal [REDACTED]; Laucci, Cyril [REDACTED]; Pellet, Sarah [REDACTED]; Massidda, Paolina [REDACTED]; Pellet, Sarah [REDACTED]

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**Subject:** Duplicate exhibits in E-Court

Dear [REDACTED],

The Chamber has noticed that some exhibits appear to have been disclosed more than once under different ERN's. Below are four examples:

[REDACTED]

E-Court currently contains two different versions of the translation of the [REDACTED]:

[REDACTED], (disclosed as part of INCRIM07)

[REDACTED], (also disclosed as part of INCRIM07)

The second appears to be a (more) complete version of the former. Yet, they refer to different source documents (one appears to be a transcription of the other, but since both are in Arabic, it is impossible for us to tell).

What is confusing is that the Disclosure notes seem to refer to different parts of the original exhibit, even though the second (more complete version) appears to contain all the passages to which the Disclosure notes of the first version refer.

[REDACTED]

E-Court currently contains two different copies of the [REDACTED]:

[REDACTED], (disclosed as part of INCRIM4)

[REDACTED], (disclosed as part of INCRIM16)

The first version is missing the executive summary, but the rest seems identical. Yet, the disclosure notes refer to different paragraphs. It is also unclear why the second version, which was obtained from an open source is classified as confidential.

[REDACTED]

E-Court currently contains two different versions of the [REDACTED]. The two versions are not identical.

[REDACTED], (disclosed as part of INCRIM4) contains 2 extra pages in French, but starting from [REDACTED] (even though the signatures seem different). This is a poor quality scan and parts of it are illegible.

[REDACTED], (disclosed as part of INCRIM16) contains the same [REDACTED] and additionally a '[REDACTED]'.

As in the previous cases, the Disclosure notes are different. The Disclosure note for the first exhibit refers to the last page of the [REDACTED], whereas the Disclosure note for the second exhibit refers to the last page of the [REDACTED]. Since the first exhibit is largely illegible, it is unclear why this is the one referred to/relied on.



It is also unclear why [REDACTED] is marked as confidential, seeing that it was obtained from an open source.

[REDACTED]

E-Court currently contains two different copies of [REDACTED]:

[REDACTED] (disclosed as part of INCRIM1)

[REDACTED] (disclosed as part of INCRIM16)

The first version contains an additional second page (containing copyright information, which in the second version is mentioned on the cover page).

General observations:

It is understood that sometimes the 'older versions' are the exhibits referred to in the [REDACTED] and that the 'new versions' are either more official, more complete, or more legible and that the Prosecutor may prefer relying on the latter. What is confusing, however, is when both versions contain Disclosure notes that refer to different parts of what is essentially the same exhibit.

It would therefore be very helpful if, in future, the Office of the Prosecutor could ensure that, when the same exhibit is disclosed more than once, (a) it is made clear which version will be relied upon for the purposes of the confirmation hearing; (b) one comprehensive overview of all the INCRIM passages that have been identified is provided in the Disclosure notes of the version that will be relied upon; (c) the two versions are linked in Source/Attachments; and (d) an explanation is provided as to why it is considered necessary to disclose more than one version (this can be done in the Disclosure notes).

If the disclosure of duplicates was the result of an oversight, it would be appreciated if the superfluous versions could be removed from E-Court.

Sincerely yours,

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 16 February 2021 17:04  
**To:** Nicholls, Julian; [REDACTED]  
**Cc:** Laucci, Cyril; [REDACTED]; Pellet, Sarah; [REDACTED]; Massidda, Paolina; Pellet, Sarah; [REDACTED]; Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal  
**Subject:** Order instructing the Prosecutor to provide updates on agreements as to evidence pursuant to Rule 69

Dear Mr Nicholls,

Further to the First Joint Report regarding the “Order instructing the parties to liaise with a view to reaching an agreement as to evidence pursuant to rule 69 of the Rules of Procedure and Evidence” ([ICC-02/05-01/20-260](#)) and the information provided therein, the Single Judge of Pre-Trial Chamber II has asked me to convey the following instruction:

The Prosecutor is instructed to henceforth include updates about the status of discussions on agreements as to evidence in the bi-weekly progress reports.

Sincerely yours,

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 16 February 2021 17:24  
**To:** Nicholls, Julian; Laucci, Cyril  
**Cc:** Pre-Trial Chamber II communications; [REDACTED]; Court Management-Court Records; [REDACTED]; Ecourt Support; [REDACTED]  
**Subject:** Supplement to the Protocol on the Handling of Confidential Information

Dear Counsel,

The Single Judge issues the following directions as a supplement to the Protocol On The Handling Of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or of a Participant (Annex 2 to the Order on disclosure and related matters - ICC-02/05-01/20-116-Anx2, hereinafter the 'Protocol').

In the event of an inadvertent disclosure of a confidential document or confidential information, in addition to following the procedure set out at paragraphs 18-20 of the Protocol, the disclosing party shall also inform the Registry of the inadvertent disclosure. Upon receipt of this information, the Registry shall then immediately restrict access to the document in the eCourt database.

As stipulated in the Protocol, the receiving party or participant has an obligation to delete any and all electronic or paper copies of the document that was disclosed in error. This includes any copies of the document that are stored in the party or participant's own Ringtail or other database. The receiving party or participant is also under an obligation to ensure the return and/or destruction of all copies that may have been provided to the suspect or any other third party.

After having implemented the Protocol and these supplementary instructions, the receiving party or participant must immediately report to the disclosing party or participant as well as to the Chamber and must (a) provide the identity of every person who has accessed the document or its content and (b) confirm that all copies have been returned, deleted or destroyed. The receiving party or participant also has an obligation to provide full cooperation to the VWU in the exercise of its protection mandate.

The parties are instructed to follow the directions set out in the above supplemental instruction in relation to the inadvertent disclosure of documents [REDACTED], to the extent that these measures have not already been carried out.

Kind regards,  
 [REDACTED], on behalf of the Single Judge

**From:** Pre-Trial Chamber II communications  
**Sent:** 17 February 2021 16:41  
**To:** Nicholls, Julian; [REDACTED]; Laucci, Cyril; [REDACTED]  
**Cc:** Pre-Trial Chamber II communications  
**Subject:** Order of the Single Judge for observations on Mr Abd-Al-Rahman's detention

Dear Counsel,

On 11 December 2020, the Chamber issued the 'Decision on the Review of the Detention of Mr Abd-Al-Rahman pursuant to rule 118 (2) of the Rules of Procedure and Evidence' (ICC-02/05-01/20-230-Conf) thereby (i) rejecting the Defence's request for interim release; and (ii) ordering the continued detention of Mr Abd-Al-Rahman.

Pursuant to article 60 (3) of the Rome Statute and rule 118 (2) of the Rules of Procedure and Evidence, a ruling on the release or detention of the person shall be periodically reviewed at least every 120 days. Accordingly, the Single Judge instructs the parties to submit any observations regarding the continued detention of Mr Abd-Al-Rahman and its periodic review. The Prosecutor shall submit such observations by no later than 15 March 2021, while the Defence shall submit its observations, including any response to the Prosecutor's submissions, by no later than 29 March 2021.

Kind regards,  
[REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II

---

**From:** Pre-Trial Chamber II communications [REDACTED]

**Sent:** 26 February 2021 11:31

**To:** Nicholls, Julian [REDACTED]; Laucci, Cyril [REDACTED]; Paolina Massidda [REDACTED]

**Cc:** Pre-Trial Chamber II Legal [REDACTED]

**Subject:** ICC-02/05-01/20 - Single Judge's reminder and clarification as regards the forthcoming document containing the charges and instruction to provide a map of the locations relevant to the charges

Dear Counsel,

The Single Judge notes that the time limit for the Prosecutor to submit the document containing the charges (the 'DCC') will expire on 29 March 2021.

With a view to maximising the efficiency of the proceedings, the Single Judge considers it appropriate to remind the Prosecutor that the structure and content of the DCC must be such as to allow the suspect to fully understand the nature and the scope of the charges; and the Defence that – as recently clarified by the Appeals Chamber – objections to the charges (or more broadly, to the DCC) must be promptly raised, at the latest in the context of submissions under rule 122(3) of the Rules of Procedure and Evidence (the 'Rules').

More specifically, as indicated in the 'Decision on the Prosecutor's Request for Postponement of the Confirmation Hearing and related deadlines' (2 November 2020, ICC-02/05-01/20-196, paras 41-42), and reiterated in its email dated 26 November 2020 at 16:57 hours, the Chamber recalls that

- (i) the DCC should be structured in a narrative style, with relevant facts presented in detail and in chronological order. The presentation and description of events relating to the alleged crimes must be sufficiently specific and exhaustive, pinpointing to the maximum feasible extent the places, times, and (approximate) number of victims corresponding to each charge, as well as any particulars that comprise the elements of the crimes; no footnotes containing cross-references or reference to evidence must be included in the charges; and
- (ii) the material in support of the charges shall be presented in a separate pre-confirmation brief, where each statement of fact should have a corresponding footnote referring specifically, with hyperlinks, to the most probative supporting evidence, duly explaining which evidence is believed to support each charge and the reason why that would be the case.

Furthermore, the Single Judge draws the attention of the Prosecutor to two recent decisions issued in the *Yekatom and Ngaïssona* case, respectively by Trial Chamber V (Decision on Motions on the Scope of the Charges and the Scope of the Evidence at Trial, 29 October 2020, ICC-01/14-01/18-703-Conf) and the Appeals Chamber (Judgment on the appeal of Mr Alfred Yekatom against the decision of Trial Chamber V of 29 October 2020 entitled 'Decision on motions on the Scope of the Charges and the Scope of Evidence at Trial', 05 February 2021, ICC-01/14-01/18-874), providing useful clarification as to the features to be possessed by a charging document for it not to be defective *vis-à-vis* its fundamental function of properly informing the suspect.

After clarifying that ‘in order to meet the requirements of Article 67(1)(a) of the Statute, the charges must identify with sufficient clarity and detail the factual allegations which support each of the constituent legal elements’, Trial Chamber V indicated that the operative part of the confirmation decision in that case – containing numerous cross-references to other parts of the decision and of the DCC – ‘ought to be read in light of, and together with, the rest of the Confirmation Decision as well as with and against the relevant parts of the DCC’.

In deciding Mr Yekatom’s challenge against this conclusion by Trial Chamber V, the Appeals Chamber confirmed that the operative part of the confirmation decision, setting out the charges as confirmed and relying on a system of internal cross-references and of references to the relevant portions of the DCC, provided sufficient notice to Mr Yekatom; this also in light of the fact that all of the contributions listed as confirmed in the operative part of the confirmation decision largely corresponded to the factual findings discussed in the findings section of that decision and to the sections of the DCC dedicated to the individual criminal responsibility of Mr Yekatom.

The Single Judge clarifies that the structural format of the operative part of the confirmation decision in the *Yekatom and Ngaïssona* case and, in particular, its system of internal cross-references and references to the DCC, was made necessary by the flaws of the charging document in that case; a properly drafted DCC would indeed allow the Pre-Trial Chamber to simply transcribe the charges which it decides to confirm as presented by the Prosecutor, and make those cross-references redundant.

The Single Judge further notes that, as part of its determination to the effect that adequate notice had been provided to Mr Yekatom, the Appeals Chamber stressed the fact that no objection to the form of the charges had been raised by his Defence in the context of the submissions pursuant to rule 122(3) of the Rules. Accordingly, the Single Judge reminds the Defence of the need to promptly raise any objections to the form of the charges, or more broadly to the DCC, at the latest in the context of its submissions under rule 122(3) of the Rules.

Finally, the Single Judge notes that it would be useful to the Chamber and all parties and participants to be able to rely on a map of relevant locations as a support to the understanding of the charges; accordingly, it encourages the parties to identify a map they can agree upon which might be included in the record for this purpose.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

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**From:** Pre-Trial Chamber II communications  
**Sent:** 04 March 2021 09:08  
**To:** [REDACTED]; Pre-Trial Chamber II communications; Nicholls, Julian; [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal; Court Management-Court Records; [REDACTED]  
**Subject:** Order to the Prosecutor to provide missing data and clarify issues in e-court

Dear Mr Nicholls,  
 Dear colleagues,

The Single Judge notes that the e-court metadata relating to item [REDACTED], disclosed on 29 January 2021, have not yet been amended so as to include the field 'Related to witness'; accordingly, the Single Judge reiterates the 9 February 2021 order to include such metadata, as first issued per the email below.

In addition, the Single Judge notes that there are now four witnesses appearing in e-court, [REDACTED], whose statements seem not to have yet been disclosed; the disclosed material related to these witnesses appears to consist only in annexes to their statements.

Accordingly, the Prosecutor is hereby instructed to clarify the situation and to take the necessary steps to remedy it.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

**From:** [REDACTED]  
**Sent:** 09 February 2021 19:45  
**To:** Pre-Trial Chamber II communications [REDACTED]; Nicholls, Julian [REDACTED]; Court Management-Court Records [REDACTED]  
**Subject:** RE: Order instructing the Prosecutor to provide missing information regarding item [REDACTED]

Dear [REDACTED],  
 Dear colleagues,

Thank you to the Single Judge for bringing this issue to our attention.

The item should have been related to witness [REDACTED]. This was an error on the Prosecution's part and we apologise.

We will re-issue the missing metadata field as soon as possible.

Thank you again and kind regards,

[REDACTED], on behalf of Julian Nicholls



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**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 09 February 2021 15:49  
**To:** Nicholls, Julian [REDACTED]; Court Management-Court Records <[REDACTED]>  
**Cc:** Pre-Trial Chamber II communications [REDACTED]  
**Subject:** Order instructing the Prosecutor to provide missing information regarding item [REDACTED]

Dear Mr Nicholls,  
Dear colleagues,

The Single Judge notes that the e-court metadata relating to item [REDACTED], disclosed on 29 January 2021, do not contain the field 'Related to witness'.

Accordingly, the Prosecutor is hereby instructed to clarify the reason for this omission and to take the necessary steps to remedy it.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

**From:** Pre-Trial Chamber II communications  
**Sent:** 04 March 2021 12:37  
**To:** Nicholls, Julian; [REDACTED]; Laucci, Cyril; [REDACTED]  
**Cc:** Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal  
**Subject:** Direction to the parties regarding response deadlines to filings ICC-02/05-01/20-287-Conf-Red and ICC-02/05-01/20-289-Conf

Dear Counsel,

Please note that in relation to the Defence's "Requête aux fins d'enregistrement d'un document dans le dossier de l'affaire, d'extension de délai et de reclassification" (ICC-02/05-01/20-289-Conf) (the "Request"), the Single Judge has asked me to relay the below instructions:

The Prosecutor shall respond to the Request by no later than 8 March 2021. In the response, the Prosecutor shall explain whether, in its view, the conclusion of the MOU between the Office of the Prosecutor and the Government of Sudan has any bearing on the Prosecutor's pending requests for the authorisation of non-disclosure of witness identities and, if so, whether there are any impediments to disclosing the (relevant parts of the) MOU to the Defence.

In relation to the "Prosecution's second request for the authorisation of non-disclosure of witness identities" (ICC-02/05-01/20-287-Conf-Red), the response deadline to the Defence is temporarily suspended.

Kind regards,  
 [REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II

**From:** Pre-Trial Chamber II communications  
**Sent:** 05 March 2021 15:17  
**To:** Massidda, Paolina  
**Cc:** Nicholls, Julian; [REDACTED]; Laucci, Cyril; [REDACTED]; Pellet, Sarah; Pre-Trial Chamber II Legal; Pre-Trial Chamber II communications[REDACTED]  
**Subject:** Direction for the response timeline to the 'Joint Prosecution and Defence submission on agreed facts'

Dear Ms Massidda,

Please note that, pursuant to the instructions of the Single Judge, the standard timeline will apply for any response to the 'Joint Prosecution and Defence submission on agreed facts' (ICC-02/05-01/20-291).

Kind regards,  
 [REDACTED]

---

**From:** Massidda, Paolina [REDACTED]  
**Sent:** 05 March 2021 14:00  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Nicholls, Julian [REDACTED]; Laucci, Cyril [REDACTED]; Massidda, Paolina [REDACTED]; Pellet, Sarah [REDACTED]; Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** FW: The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-291+AnxA - Joint Prosecution and Defence submission on agreed facts

Dear All,  
 In recalling her submission ICC-ICC-02/05-01/20-267 (dated 25 January 2021), Counsel respectfully requests the guidance of the Chamber on whether the standard 10 days deadline will apply for her to respond to the below submission or if the Chamber will set a specific deadline.

Kind regards,  
 Paolina Massidda

**From:** Pre-Trial Chamber II communications  
**Sent:** 08 March 2021 17:09  
**To:** Nicholls, Julian; [REDACTED]  
**Cc:** Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal; Court Management-Court Records; [REDACTED]  
**Subject:** Order instructing the Prosecutor to provide clarifications regarding evidence-related issues

Dear Mr Nicholls,  
 Dear colleagues,

The Single Judge, noting the ‘Prosecution’s thirteenth progress report on the evidence review, translation and disclosure process’ (ICC-02/05-01/20-292, the ‘Progress Report’), wishes to draw the Prosecutor’s attention to some issues detected by the Chamber in the context of its ongoing perusal of the evidence disclosed in the case.

Specifically, the Single Judge observes that:

- (i) the e-court metadata relating to item [REDACTED], disclosed on 15 February 2021, do not contain the field ‘Related to witness’;
- (ii) item [REDACTED], disclosed on 30 September 2020 and corresponding to the statement of witness [REDACTED], is no longer present in e-court; and
- (iii) the statements and transcripts of interview related to witness [REDACTED], whilst indicated as disclosed on 30 October 2020 in Annex 3 to the Progress Report, are absent from e-court.

Accordingly, the Prosecutor is hereby instructed to clarify the situation and to take the necessary steps to remedy it.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

**From:** Pre-Trial Chamber II communications  
**Sent:** 11 March 2021 16:19  
**To:** Nicholls, Julian  
**Cc:** [REDACTED]; Laucci, Cyril; Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal  
**Subject:** Deadline for the Arabic translation of the Pre-Confirmation Brief

Dear Mr Nicholls,

The Single Judge grants the requested extension to 23 April 2021 for the Arabic translation of the Pre-Confirmation Brief.

Kind regards,  
 [REDACTED], on behalf of the Single Judge

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**From:** Nicholls, Julian [REDACTED]  
**Sent:** 11 March 2021 15:07  
**To:** Pre-Trial Chamber II communications [REDACTED]; Laucci, Cyril [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Translation of DCC and Pre-Confirmation Brief

Dear [REDACTED] and all at Pre-Trial Chamber II,

The Prosecution is working diligently to produce a high quality Pre-Confirmation Brief (PCB) that will be of maximum assistance to the Chamber and to the Defence, and to meet the filing deadline of 16 April.

However, in order to maximise the time available before the 16 April deadline and to ensure the best possible Arabic translation of the PCB, the Prosecution respectfully requests the authorisation of the Single Judge to file this Arabic translation on 23 April, one week later than the current deadline.

Should this authorisation be granted, the Prosecution notes that the Defence would be provided with the English version of the PCB, by the 16 April deadline and would still have one full month to work with the Arabic version of the PCB before the confirmation hearing commences on 24 May.

Thank you very much for your consideration.

Best regards,

Julian



**Julian Nicholls**

Senior Trial Lawyer Office of  
 the Prosecutor International  
 Criminal Court

[REDACTED]

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**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 27 November 2020 10:06  
**To:** Laucci, Cyril [REDACTED]  
**Cc:** Nicholls, Julian [REDACTED]  
**Subject:** FW: Translation of DCC and Pre-Confirmation Brief

Dear Mr Laucci,

The Single Judge has asked me to inform you of the exchange between the Chamber and the Prosecutor below.

Hoping to have sufficiently informed you, I remain,

Sincerely yours,

[REDACTED]

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**From:** Nicholls, Julian  
**Sent:** 26 November 2020 17:42  
**To:** Pre-Trial Chamber II communications  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]  
**Subject:** RE: Translation of DCC and Pre-Confirmation Brief

Dear [REDACTED],

Thank you for your email, the instructions of the Single Judge are clear.

Best regards,

Julian

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**From:** Pre-Trial Chamber II communications  
**Sent:** 26 November 2020 16:57  
**To:** Nicholls, Julian  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]  
**Subject:** RE: Translation of DCC and Pre-Confirmation Brief

Dear Mr Nicholls,

The Single Judge of Pre-Trial Chamber II has asked me to inform you that he is of the view that article 67(1)(a) of the Statute applies to both the DCC as well as the pre-confirmation brief. This means that the Prosecutor must provide a translation into Arabic for the benefit of the suspect at the same time when the DCC and the pre-confirmation brief are respectively due.

The Single Judge further wishes to draw the Prosecutor's attention to the applicable page limits:

30 pages for the DCC (regulation 38(3)(g) of the Regulations of the Court)  
 120 pages for the pre-confirmation brief (regulation 38(1)(a) of the Regulations of the Court).

Sincerely yours,

[REDACTED]

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**From:** Nicholls, Julian  
**Sent:** 25 November 2020 15:57  
**To:** Pre-Trial Chamber II communications  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]  
**Subject:** RE: Translation of DCC and Pre-Confirmation Brief

Dear [REDACTED] and communications team,

The Prosecution intends to file English and Arabic versions of the DCC simultaneously. In our planning we had not intended to file an Arabic version of the Pre-Confirmation Brief but only to file in English.

I hope I have answered your question, please let me know if you need more information.

Thank you.

Best regards,

Julian

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**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 25 November 2020 10:53  
**To:** Nicholls, Julian [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** Translation of DCC and Pre-Confirmation Brief

Dear Mr Nicholls,

The Single Judge has asked me to inquire with you whether the Prosecutor intends to file an Arabic version of its DCC and Pre-Confirmation Brief and, if so, whether it will be possible to file the translations on the same day as the English version.

With best wishes

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 17 March 2021 16:06  
**To:** Nicholls, Julian; [REDACTED]; Laucci, Cyril; [REDACTED]  
**Cc:** Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal  
**Subject:** Direction of the Single Judge in relation to the time limit to submit observations on Mr Abd-Al-Rahman's continued detention

Dear Counsel,

Having noted the Prosecutor's failure to meet the 15 March 2021 time limit to submit observations regarding the continued detention of Mr Abd-Al-Rahman, the Single Judge directs the Prosecutor to submit observations in this regard by no later than 16:00 on 18 March 2021. In light of the above, the time limit for the Defence to submit its observations is extended from 29 March 2021 to 1 April 2021.

Kind regards,  
 [REDACTED], on behalf of the Single Judge

---

**From:** Nicholls, Julian [REDACTED]  
**Sent:** 17 March 2021 14:13  
**To:** Laucci, Cyril [REDACTED]; Pre-Trial Chamber II communications [REDACTED]  
**Subject:** RE: Order of the Single Judge for observations on Mr Abd-Al-Rahman's detention

Dear [REDACTED] and Pre-Trial Chamber II,

Dear Mr Laucci,

We must again convey our sincere apologies that we failed to meet the deadline for submissions on the continued pre-trial detention of Mr Abd-Al-Rahman under articles 60(2) and 58(1) of the Rome Statute, as set out by email on 17 February 2021 and in accordance with rule 118(2) of the Rules of Procedure and Evidence.

We also regretfully acknowledge our failure to submit an application demonstrating good cause for a variation of the time limit under regulation 35(2) of the Regulations of the Court prior to the expiration of the deadline. We also concede that we cannot demonstrate that we were unable to file an application for an extension of the time limit for reasons outside of our control now that the deadline has lapsed. Missing the deadline was due solely to our own error.

We are prepared to submit observations as soon as possible on the necessity for Mr Abd-Al-Rahman's detention, despite our failure to meet the deadline, should the Chamber so order. In the alternative, we are prepared to rest upon our previous observations under articles 60(2) and 58(1) of the Rome Statute.

We respectfully await the Chamber's direction in this matter.

Thank you.

Best regards,



Julian Nicholls



**Julian Nicholls**

Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]

---

**From:** Laucci, Cyril [REDACTED]

**Sent:** 17 March 2021 09:49

**To:** Nicholls, Julian [REDACTED]; Pre-Trial Chamber II communications [REDACTED]

**Subject:** RE: Order of the Single Judge for observations on Mr Abd-Al-Rahman's detention

Dear Julian, Dear [REDACTED],

I would be grateful if all messages addressed to the Defence could be systematically copied to [REDACTED].

In case I do not see the messages immediately – for whatever reason –, you will be sure that way that it will be received and relayed.

Thanking you in advance,

Best regards,

Cyril Laucci.

---

**From:** Nicholls, Julian [REDACTED]

**Sent:** 16 March 2021 18:57

**To:** Pre-Trial Chamber II communications [REDACTED]; Laucci, Cyril [REDACTED]

**Subject:** RE: Order of the Single Judge for observations on Mr Abd-Al-Rahman's detention

Dear [REDACTED] and all at Pre-Trial Chamber II,

Dear Mr Laucci,

I am very sorry to report to the Single Judge and the Pre-Trial Chamber II that due to an error we did not make the filing referenced below yesterday as instructed. I deeply apologise for this error.

We will endeavour to make the submission as soon as possible.

Please again accept my apologies.

Best regards,

Julian Nicholls



**Julian Nicholls**

Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]

---

**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 17 February 2021 16:41  
**To:** Nicholls, Julian [REDACTED]; Laucci, Cyril [REDACTED]  
**Cc:** Pre-Trial Chamber II communications [REDACTED]  
**Subject:** Order of the Single Judge for observations on Mr Abd-Al-Rahman's detention

Dear Counsel,

On 11 December 2020, the Chamber issued the 'Decision on the Review of the Detention of Mr Abd-Al-Rahman pursuant to rule 118 (2) of the Rules of Procedure and Evidence' (ICC-02/05-01/20-230-Conf) thereby (i) rejecting the Defence's request for interim release; and (ii) ordering the continued detention of Mr Abd-Al-Rahman.

Pursuant to article 60 (3) of the Rome Statute and rule 118 (2) of the Rules of Procedure and Evidence, a ruling on the release or detention of the person shall be periodically reviewed at least every 120 days. Accordingly, the Single Judge instructs the parties to submit any observations regarding the continued detention of Mr Abd-Al-Rahman and its periodic review. The Prosecutor shall submit such observations by no later than 15 March 2021, while the Defence shall submit its observations, including any response to the Prosecutor's submissions, by no later than 29 March 2021.

Kind regards,  
 [REDACTED], on behalf of the Single Judge of Pre-Trial Chamber II

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**From:** Pre-Trial Chamber II communications  
**Sent:** 26 March 2021 17:11  
**To:** Nicholls, Julian; Pre-Trial Chamber II communications; [REDACTED]; Laucci, Cyril; [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal  
**Subject:** Order shortening the time limit to respond to Prosecutor's urgent request for variation of disclosure related time limit (ICC-02/05-01/20-324-Conf)

Dear Mr Laucci,

The Single Judge of Pre-Trial Chamber II has asked me to convey the following instruction to you:

The time limit for responding to the Prosecutor's urgent request for variation of disclosure related time limit (ICC-02/05-01/20-324-Conf) is shortened until Monday **29 March at 12:00**.

Kindly confirm receipt of this message at your earliest convenience.

Sincerely yours,  
 [REDACTED]

---

**From:** Nicholls, Julian [REDACTED]  
**Sent:** 26 March 2021 15:55  
**To:** Pre-Trial Chamber II communications [REDACTED]; Laucci, Cyril [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** Courtesy Copy of Filing for Today  
**Importance:** High

Dear Pre-Trial Chamber II,

Dear Mr Laucci,

I am sending a courtesy copy of a submission that we have been trying to file for some time from the office but have been unable to do so because of a technical problem. We are trying to resolve this problem but it may not be solved before 16:00.

As soon as we are able to resolve the technical problem we will file the submission along with an ex parte annex.

My apologies for having to send the courtesy copy at this time.

Best regards,

Julian

**Julian Nicholls**



Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 31 March 2021 13:28  
**To:** Nicholls, Julian; Laucci, Cyril; [REDACTED]  
**Cc:** [REDACTED]; Pre-Trial Chamber II communications  
**Subject:** Extension of time limit for filing of the Prosecutor's next Progress Report

Dear Mr Nicholls,

The Single Judge of Pre-Trial Chamber II has asked me to convey the following:

The Prosecutor's request to extend the time limit for filing the next progress report until 9 April 2021 is granted. The following report will be due two weeks after that.

Sincerely yours,  
 [REDACTED]

---

**From:** Nicholls, Julian [REDACTED]  
**Sent:** 31 March 2021 13:23  
**To:** Laucci, Cyril [REDACTED]; Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** RE: Regular Progress Report due this Friday from the Office of the Prosecutor

Dear Cyril,

Thank you very much for your quick and courteous response.

Best regards,

Julian

---

**From:** Laucci, Cyril [REDACTED]  
**Sent:** 31 March 2021 13:22  
**To:** Nicholls, Julian [REDACTED]; Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** RE: Regular Progress Report due this Friday from the Office of the Prosecutor

Dear Julian, Honourable PTC II,  
 The Defence has no objection to the proposed way forward.  
 Best regards,  
 Cyril Laucci,  
 Lead Counsel for Mr Ali Muhammad Ali Abd-Al-Rahman.

---

**From:** Nicholls, Julian [REDACTED]  
**Sent:** 31 March 2021 12:51  
**To:** Pre-Trial Chamber II communications [REDACTED]; Laucci, Cyril [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** Regular Progress Report due this Friday from the Office of the Prosecutor

Dear Pre-Trial Chamber II,

Dear Mr Laucci,

This Friday the Office of the Prosecutor would ordinarily file a regular progress report with the Pre-Trial Chamber II.

As this Friday and the following Monday are both Court holidays, I respectfully suggest and request that the Prosecution be permitted to file the next report on the following Friday, 9 April. In addition, the later date will allow, we expect, for a more informative report to be filed.

Please let me know if the proposed date for the next report is granted by the Honourable Single Judge.

Thank you.

Best regards,

Julian



**Julian Nicholls**

Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]

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**From:** Pre-Trial Chamber II communications  
**Sent:** 12 April 2021 17:17  
**To:** Nicholls, Julian; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]; Laucci, Cyril; Pre-Trial Chamber II Legal; [REDACTED]  
**Subject:** Decision varying the time limit for the submission of the Arabic translation of the Prosecutor's List of Evidence

Dear Mr Nicholls,

In relation to your message below, the Single Judge of Pre-Trial Chamber II has asked me to convey the following decision:

The time limit for submitting the Arabic translation of the Prosecutor's List of Evidence is extended until 23 April 2021 at 16:00.

I also take this opportunity to inform you that [REDACTED] is no longer assigned to work on this case. Please copy all future messages to [REDACTED] instead.

Hoping to have hereby sufficiently informed you, I remain,

Sincerely yours,

[REDACTED]

---

**From:** Nicholls, Julian [REDACTED]  
**Sent:** 12 April 2021 16:39  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** [REDACTED]; Laucci, Cyril [REDACTED]; Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** RE: Deadline for the Arabic translation of the Pre-Confirmation Brief - Deadline for Arabic translation of LOE

Dear [REDACTED] and all at Pre-Trial Chamber II,

Dear Mr Laucci,

The Prosecution will file its list of evidence on 16 April 2021.

Similar to our request below, which was granted by the Single Judge, the Prosecution respectfully requests a one week extension, to 23 April 2021, to submit the Arabic translation of the list of evidence. This extension will greatly assist in providing a good quality Arabic language version of the list.

The Prosecution has consulted with Mr Laucci, who has no objection to this request. The Prosecution is grateful to Mr Laucci for his agreement.

Thank you very much for your consideration of this request.

Best regards,

Julian

---

**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 11 March 2021 16:19  
**To:** Nicholls, Julian [REDACTED]  
**Cc:** [REDACTED]; Laucci, Cyril [REDACTED]; Pre-Trial Chamber II communications [REDACTED]; Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** Deadline for the Arabic translation of the Pre-Confirmation Brief

Dear Mr Nicholls,

The Single Judge grants the requested extension to 23 April 2021 for the Arabic translation of the Pre-Confirmation Brief.

Kind regards,  
 [REDACTED], on behalf of the Single Judge

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**From:** Nicholls, Julian [REDACTED]  
**Sent:** 11 March 2021 15:07  
**To:** Pre-Trial Chamber II communications [REDACTED]; Laucci, Cyril [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Translation of DCC and Pre-Confirmation Brief

Dear [REDACTED] and all at Pre-Trial Chamber II,

The Prosecution is working diligently to produce a high quality Pre-Confirmation Brief (PCB) that will be of maximum assistance to the Chamber and to the Defence, and to meet the filing deadline of 16 April.

However, in order to maximise the time available before the 16 April deadline and to ensure the best possible Arabic translation of the PCB, the Prosecution respectfully requests the authorisation of the Single Judge to file this Arabic translation on 23 April, one week later than the current deadline.

Should this authorisation be granted, the Prosecution notes that the Defence would be provided with the English version of the PCB, by the 16 April deadline and would still have one full month to work with the Arabic version of the PCB before the confirmation hearing commences on 24 May.

Thank you very much for your consideration.

Best regards,

Julian

**Julian Nicholls**



Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]

---

**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 27 November 2020 10:06  
**To:** Laucci, Cyril [REDACTED]  
**Cc:** Nicholls, Julian [REDACTED]  
**Subject:** FW: Translation of DCC and Pre-Confirmation Brief

Dear Mr Laucci,

The Single Judge has asked me to inform you of the exchange between the Chamber and the Prosecutor below.

Hoping to have sufficiently informed you, I remain,

Sincerely yours,

[REDACTED]

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**From:** Nicholls, Julian  
**Sent:** 26 November 2020 17:42  
**To:** Pre-Trial Chamber II communications  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]  
**Subject:** RE: Translation of DCC and Pre-Confirmation Brief

Dear [REDACTED],

Thank you for your email, the instructions of the Single Judge are clear.

Best regards,

Julian

---

**From:** Pre-Trial Chamber II communications  
**Sent:** 26 November 2020 16:57  
**To:** Nicholls, Julian  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]  
**Subject:** RE: Translation of DCC and Pre-Confirmation Brief

Dear Mr Nicholls,

The Single Judge of Pre-Trial Chamber II has asked me to inform you that he is of the view that article 67(1)(a) of the Statute applies to both the DCC as well as the pre-confirmation brief. This means that the Prosecutor must provide a translation into Arabic for the benefit of the suspect at the same time when the DCC and the pre-confirmation brief are respectively due.

The Single Judge further wishes to draw the Prosecutor's attention to the applicable page limits:

30 pages for the DCC (regulation 38(3)(g) of the Regulations of the Court)

120 pages for the pre-confirmation brief (regulation 38(1)(a) of the Regulations of the Court).

Sincerely yours,

[REDACTED]

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**From:** Nicholls, Julian  
**Sent:** 25 November 2020 15:57  
**To:** Pre-Trial Chamber II communications  
**Cc:** Pre-Trial Chamber II Legal; [REDACTED]  
**Subject:** RE: Translation of DCC and Pre-Confirmation Brief

Dear [REDACTED] and communications team,

The Prosecution intends to file English and Arabic versions of the DCC simultaneously. In our planning we had not intended to file an Arabic version of the Pre-Confirmation Brief but only to file in English.

I hope I have answered your question, please let me know if you need more information.

Thank you.

Best regards,

Julian

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**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 25 November 2020 10:53  
**To:** Nicholls, Julian [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]  
**Subject:** Translation of DCC and Pre-Confirmation Brief

Dear Mr Nicholls,

The Single Judge has asked me to inquire with you whether the Prosecutor intends to file an Arabic version of its DCC and Pre-Confirmation Brief and, if so, whether it will be possible to file the translations on the same day as the English version.

With best wishes

[REDACTED]

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**From:** Pre-Trial Chamber II communications [REDACTED]

**Sent:** 19 April 2021 16:50

**To:** Nicholls, Julian [REDACTED]; Laucci, Cyril [REDACTED]; Paolina Massidda [REDACTED]; Pellet, Sarah [REDACTED]

**Cc:** Pre-Trial Chamber II Legal [REDACTED]

**Subject:** Order instructing the filing of observations on the organisation of the confirmation hearing

Dear Counsel,

Please be advised that the Judges of Pre-Trial Chamber II seek the observations of the parties and participants in relation to the organisation of the confirmation of charges hearing. Please include in your observations the estimated time you wish to be allotted during the confirmation hearing and what you intend to use it for.

The Prosecutor and the Defence are also instructed to indicate whether they intend to raise objections or make observations concerning an issue related to the proper conduct of the proceedings prior to the confirmation hearing.

Any observations shall be provided by Friday 23 April 2021,

Sincerely yours,

[REDACTED]

On behalf of Pre-Trial Chamber II

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**From:** Pre-Trial Chamber II communications  
**Sent:** 29 April 2021 12:48  
**To:** Nicholls, Julian; [REDACTED]  
**Cc:** Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal; Court Management-Court Records; [REDACTED]  
**Subject:** Order instructing the Prosecutor to provide an updated and complete list of all disclosed witnesses  
  
**Importance:** High

Dear Mr Nicholls,

The Single Judge notes that the 'Prosecution's sixteenth progress report on the evidence review, translation and disclosure process' (23 April 2021, ICC-02/05-01/20-366) did not include an annex with a detailed list of all witness statements to be relied upon for the purposes of the confirmation hearing.

The Single Judge recalls his order dated 19 January 2021, instructing the Prosecutor to provide an accurate and up-to-date list of disclosed witnesses, with a view to allowing the Chamber, parties and participants to have a clear and accurate picture of the number of witnesses at all times.

This need is all the more crucial at this stage because there seems to be a number of issues with regard to Annex 3 to the 'Prosecution's fifteenth progress report on the evidence review, translation and disclosure process' (9 April 2021, ICC-02/05-01/20-337). In particular, as many as [REDACTED] witnesses, whose statements and/or transcripts (and related documents) appear in eCourt as disclosed between 5 and 26 March 2021 [REDACTED] and are included in the list of evidence [REDACTED], do not appear in any of the groups listed in that document; a similar situation arises in respect of some rule 77 witnesses [REDACTED].

Accordingly, the Single Judge instructs the Prosecutor to submit an updated and complete list of all disclosed witnesses as an annex to the next progress report due on Friday, 7 May 2021.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge



**From:** Pre-Trial Chamber II communications  
**Sent:** 29 April 2021 16:05  
**To:** Nicholls, Julian; [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal; Pre-Trial Chamber II communications; [REDACTED]; Court Management-Court Records  
**Subject:** Order instructing the Prosecutor to provide an abridged version of the Document Containing the Charges

Dear Mr Nicholls,

The Single Judge of Pre-Trial Chamber II has asked me to convey the following instruction:

The Prosecutor is instructed to produce an abridged version of the Document Containing the Charges to be read in public session by the Court Officer at the start of the confirmation hearing in accordance with rule 122(1) of the Rules of Procedure and Evidence. The document should be apt to be read in a reasonable time with the aim of informing the public of the charges brought by the OTP against the suspect. The abbreviated version should therefore focus on the alleged criminal conduct, with less emphasis on the corresponding legal qualification thereof. Repetition and unnecessary technical language should be avoided as much as possible.

Sincerely yours,

[REDACTED], on behalf of Pre-Trial Chamber II

**From:** Pre-Trial Chamber II communications  
**Sent:** 04 May 2021 10:52  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal; Nicholls, Julian; Laucci, Cyril; [REDACTED]; Clooney, Amal; Massidda, Paolina; [REDACTED]; Amin, Nasser; [REDACTED]  
**Subject:** RE: Brief note on filing timelines

Dear [REDACTED],

The Single Judge of Pre-Trial Chamber II has asked me to convey the following response to your message of 29 April 2021 addressed to [REDACTED]:

First, the Chamber recalls the time limits that were set in its decision of 18 January 2021. There can be no exception to these time limits on account of how the VPRS chose to organise the collection of applications, especially when this would be to the detriment of the rights of the Defence.

Accordingly, the VPRS may no longer submit additional Group C applications for the purposes of the confirmation proceedings and the forthcoming report should therefore include only Group A and B applications.

Sincerely yours,  
 [REDACTED]

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**From:** [REDACTED]  
**Sent:** 29 April 2021 13:28  
**To:** [REDACTED]  
**Cc:** [REDACTED]; Pre-Trial Chamber II communications [REDACTED]  
**Subject:** Brief note on filing timelines

Dear [REDACTED],

I hope this email finds you well; we are [REDACTED].

I also have an issue of timing on my mind that, following our recent "Group C" transmission ("Group C transmission") (ICC-02/05-01/20-358), we'd like to bring to the Chamber's attention.

In accordance with paragraph 34 of the *Decision establishing the principles applicable to victims' and representation during the Confirmation Hearing* ("First Decision") (ICC-02/05-01/20-259), the parties will have ten days to submit their observations on our Group C transmission. According to our calculation, this means that they may not submit their observations until **3 May 2021**. In addition, pursuant to para. 34 of the First Decision, the VPRS must submit "[t]he final list of Group A and B applications [...] no later than 15 days before the commencement of the confirmation hearing." Again, according to our calculation, that means that we must file all remaining applications in our possession by **7 May 2021**.

To add to the complexity, we have been told that an additional approximately [REDACTED] applications relating to the Case will be submitted by Friday 30 April. There will almost certainly be applications in

this batch that raise unclear issues similar to those raised in our Group C transmission. This means that the VPRS will not be in the position to make a final determination on these applications until a decision is rendered on these issues by the Chamber/Single Judge.

Just for your information, we are making our assessments in a manner in which a decision (on the Group C transmission) from the Chamber could be quickly applied. However, considering the amount of applications that may be impacted by any forthcoming decision, I believe that we would require two working days following the issuance of said decision in order to properly apply the guidance received.

Considering the tight deadlines, I just wanted to flag this issue with you in advance so that we can think of a workable solution.

All the best,

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 10 May 2021 14:04  
**To:** [REDACTED]; Pre-Trial Chamber II communications  
**Cc:** [REDACTED]; Nicholls, Julian; [REDACTED]; Massidda, Paolina; [REDACTED]; Laucci, Cyril  
**Subject:** RE: Request of Guidance from [REDACTED] Joint legal representative of Victims

Dear Counsel,

The Single Judge of Pre-Trial Chamber II has asked me to convey the following response to your message:

Regarding your First Question, the Single Judge recalls that, pursuant to article 50(2) of the Statute, the working languages of the Court are English and French. According to rule 41(1) of the Rules of Procedure and Evidence, it is to the Presidency to authorise the use of a different official language of the Court as a working language upon request of the Prosecutor and the Defence, if the conditions provided therein are satisfied.

As for the Second Question, a translation into Arabic of the Decision on the confirmation of charges will be provided in due course. For technical reasons it will not be available on the same day of the issuance of the decision in English language. The Chamber will consider releasing an unofficial summary of the decision for the purposes of public information which will be translated in Arabic as soon as possible.

Sincerely yours,

[REDACTED]

On behalf of Pre-Trial Chamber II

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**From:** [REDACTED]  
**Sent:** 07 May 2021 17:11  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Subject:** Request of Guidance from [REDACTED] Joint legal representative of Victims

Dear Single Judge of the Pre Trial Chamber II,

Joint legal Representative of the Victims ([REDACTED]) respectfully requests the guidance of the chamber in relation to the two below questions.

First question:

In accordance to article number 50/3 of the Rome Statute and the Rule number 41/1/A from the Rules of Procedures and Evidence; can the use of the Arabic language as it is one of the Court's official languages be used as a language for pleading and responding only in the Confirmation Hearing; and not as a working language; because using the Arabic language will definitely increase the efficiency of the procedures especially that the (Victims, Witnesses, and the Accused) all speak and understand the Arabic language only.

Second Question:

In accordance with the rule number 40/3 of the Rules of the Procedures and Evidence is it possible to publish the decisions related to Confirmation of Charges in the Arabic language as it is one of the Court's official languages; Due to the importance of informing the victims of these decision as soon as they are issued.

Best Regards.

[REDACTED]

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**From:** Pre-Trial Chamber II communications  
**Sent:** 10 May 2021 14:12  
**To:** Nicholls, Julian; [REDACTED]; Clooney, Amal; Massidda, Paolina; [REDACTED]  
Laucci, Cyril; Amin, Nasser  
**Cc:** [REDACTED]  
**Subject:** Order on shortened time limit for response

Dear Counsel,

The Single Judge of Pre-Trial Chamber II has asked me to convey the following:

The time limit for responding to the *Soumission de l'inventaire des preuves de la Défense en vertu de la Règle 121-6* (ICC-02/05-01/20-381 + Conf-Anx1), is shortened until **16:00 on 12 May 2021**.

Sincerely yours,

[REDACTED]  
On behalf of Pre-Trial Chamber II

**From:** Pre-Trial Chamber II communications  
**Sent:** 18 May 2021 14:55  
**To:** Massidda, Paolina; Pre-Trial Chamber II communications  
**Cc:** Pre-Trial Chamber II Legal; Laucci, Cyril; [REDACTED]; Clooney, Amal; [REDACTED]; Amin, Nasser; [REDACTED]; Pellet, Sarah; [REDACTED]; Nicholls, Julian  
**Subject:** RE: Instructions on recent filings and any further requests before the confirmation hearing

Dear Counsel,

The Presiding Judge of Pre-Trial Chamber II has asked me to convey the following message in response to your enquiry:

The instructions are also applicable to all the legal representatives of the victims. The Single Judge reiterates that parties and participants are *not* required to respond orally to novel requests that are filed between now and the confirmation hearing. They shall, therefore, file any written response in accordance with regulations 24 and 34 of the Regulations of the Court.

Sincerely,

[REDACTED]  
 On behalf of Pre-Trial Chamber II

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**From:** Massidda, Paolina [REDACTED]  
**Sent:** 18 May 2021 11:42  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Pre-Trial Chamber II Legal [REDACTED]; Laucci, Cyril [REDACTED]; [REDACTED]; Clooney, Amal [REDACTED]; Amin, Nasser [REDACTED]; Pellet, Sarah [REDACTED]; Nicholls, Julian [REDACTED]  
**Subject:** RE: Instructions on recent filings and any further requests before the confirmation hearing

Dear [REDACTED],  
 Following the below instruction from the Presiding Judge, Counsel respectfully seeks the guidance of the Chamber on whether said instruction is also applicable to the legal representatives.  
 Should this be the case, Counsel will oblige in writing and reserves her right to respond to any novel requests within the timeframe allocated in the Order setting the schedule for the confirmation of charges hearing and convening annual hearing on detention (ICC-02/05-01/20-378).

Kind regards,  
 Paolina Massidda

---

**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 17 May 2021 17:07  
**To:** Nicholls, Julian [REDACTED]  
**Cc:** Pre-Trial Chamber II communications <[REDACTED]>; Pre-Trial Chamber II Legal [REDACTED]; Laucci,

Cyril [REDACTED]; Clooney, Amal [REDACTED]; Massidda, Paolina [REDACTED]; Amin, Nasser [REDACTED]; Pellet, Sarah [REDACTED]

**Subject:** Instructions on recent filings and any further requests before the confirmation hearing

Dear Mr Nicholls,

The Presiding Judge of Pre-Trial Chamber II has asked me to convey the following instructions:

The Chamber has taken note of the following filings by the Defence:

3ème Requête aux fins d'exclusion de moyens de preuve (ICC-02/05-01/20-389 )

Deuxièmes observations de la Défense en vertu de la Règle 122-3 (ICC-02/05-01/20-390)

The Chamber has decided to join the issues raised in these filings with the examination of the charges and the evidence, in accordance with rule 122(6) of the Rules of Procedure and Evidence.

However, in the interest of optimising the use of available courtroom time, the Prosecutor will not be required to respond orally to these requests. Instead, the Prosecutor may submit a written response in accordance with regulations 24 and 34 of the Regulations of the Court.

Unless otherwise provided, the same will apply to any further requests that may be forthcoming between now and the start of the confirmation hearing.

Sincerely,

[REDACTED]

On behalf of Pre-Trial Chamber II



**From:** Pre-Trial Chamber II communications  
**Sent:** 27 May 2021 14:20  
**To:** Nicholls, Julian; [REDACTED]; Clooney, Amal; [REDACTED]; Laucci, Cyril; Amin, Nasser; Massidda, Paolina; Pellet, Sarah  
**Cc:** Pre-Trial Chamber II communications; Pre-Trial Chamber II Legal  
**Subject:** End of bi-weekly progress reports

Dear Mr Nicholls,

The Single Judge of Pre-Trial Chamber II has instructed me to convey the following message:

In light of the completion of the confirmation hearing, the Chamber's order to file bi-weekly progress reports (see Order on disclosure and related matters, 17 August 2020, ICC-02/05-01/20-116) is hereby rescinded.

Sincerely yours,

[REDACTED]

---

**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 05 July 2021 16:44  
**To:** Nicholls, Julian [REDACTED]; Court Management-Court Records [REDACTED]  
**Cc:** [REDACTED]; Clooney, Amal [REDACTED]; Amin, Nasser [REDACTED]; Laucci, Cyril [REDACTED]; Paolina Massidda [REDACTED]; Pellet, Sarah [REDACTED]  
**Subject:** Order to file public versions of documents or to request reclassification of filings

Dear Counsel,  
Dear Court Management Section,

The Single Judge of Pre-Trial Chamber II has asked me to convey the following instructions:

In the interest of the publicity of the proceedings, the Chamber is in the process of filing public (redacted) versions of all its decisions. The parties and participants are hereby also ordered to file public redacted versions of their confidential filings or request, via email, their reclassification as public. Requests for reclassification shall be submitted by **8 July 2021, 16:00h** and public redacted versions shall be filed by not later than **30 July 2021, 16:00h**.

The Registrar is directed to reclassify as public the following documents:

- ICC-02/05-01/20-250-Conf;
- ICC-02/05-01/20-298-Conf ;
- ICC-02/05-01/20-310-Conf;
- ICC-02/05-01/20-328-Conf ;
- ICC-02/05-01/20-330-Conf; and
- ICC-02/05-01/20-419-Conf.

Sincerely,

[REDACTED]  
On behalf of Pre-Trial Chamber II

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**From:** Nicholls, Julian [REDACTED]  
**Sent:** 05 July 2021 15:31  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** [REDACTED]; Clooney, Amal [REDACTED]; Amin, Nasser [REDACTED]; Court Management-Court Records [REDACTED]; Laucci, Cyril [REDACTED]; Massidda, [REDACTED]; Pellet, [REDACTED]  
**Subject:** RE: Request for reclassification of several filings

Dear all,

My apologies; copying our case manager [REDACTED].

Best,

Julian



**Julian Nicholls**

Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]

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**From:** Nicholls, Julian

**Sent:** 05 July 2021 15:19

**To:** Pre-Trial Chamber II communications [REDACTED]

**Cc:** [REDACTED]; Clooney, Amal [REDACTED]; Amin, Nasser [REDACTED]; Court Management-Court Records [REDACTED]; Laucci, Cyril [REDACTED]; Massidda, Paolina [REDACTED]; Pellet, Sarah [REDACTED]

**Subject:** Request for reclassification of several filings

Dear Pre-Trial Chamber II,

Dear colleagues,

Upon assessment of the confidentiality level of several filings in light of the current state of the proceedings, the Prosecution respectfully requests the reclassification as public of the following documents:

ICC-02/05-01/20-250-Conf;  
ICC-02/05-01/20-298-Conf ;  
ICC-02/05-01/20-310-Conf;  
ICC-02/05-01/20-328-Conf ;  
ICC-02/05-01/20-330-Conf; and  
ICC-02/05-01/20-419-Conf.

Thank you.

Best regards,

Julian

**Julian Nicholls**



Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]

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**From:** Pre-Trial Chamber II communications  
**Sent:** 09 July 2021 13:16  
**To:** Court Management-Court Records  
**Cc:** Associate Legal Officer-Court Officer; [REDACTED]; Pre-Trial Chamber II communications; Nicholls, Julian; [REDACTED]; Laucci, Cyril; [REDACTED]; Massidda, Paolina; Pellet, Sarah; [REDACTED]; Clooney, Amal; [REDACTED]; Amin, Nasser; [REDACTED]  
**Subject:** Order for reclassification

Dear Court Management Section,

The Single Judge of Pre-Trial Chamber II has asked me to convey the following instructions:

The Single Judge directs the Registry to reclassify as public the following documents:

1. ICC-02/05-01/20-13-Conf;
2. ICC-02/05-01/20-16-Conf;
3. ICC-02/05-01/20-219-Conf;
4. ICC-02/05-01/20-299-Conf;
5. ICC-02/05-01/20-150-Conf-Exp;
6. ICC-02/05-01/20-156-Conf-Exp;
7. ICC-02/05-01/20-188-Conf-Exp;
8. ICC-02/05-01/20-178-Conf-Anx;
9. ICC-02/05-01/20-383-Conf-Anx1.

Sincerely,

[REDACTED]

On behalf of Pre-Trial Chamber II

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**From:** [REDACTED]  
**Sent:** 08 July 2021 15:50  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Associate Legal Officer-Court Officer [REDACTED]  
**Subject:** RE: URGENT - Order to file public versions of documents or to request reclassification of filings

Dear Pre-Trial Chamber II,

Pursuant to the PTCII Order to file public versions of documents or to request reclassification of filings, the Registry hereby informs the Chamber that after having liaised with the different Registry sections, the following submissions can be reclassified as public :

ICC-02/05-01/20-178-Conf-Anx	Annex to the Registry Request for Authorization to use a Modified Standard Application Form to Facilitate Victim Participation in the Case
------------------------------	--

ICC-02/05-01/20-383-Conf-Anx1

Annex 1 to the Third Registry Assessment Report  
and Transmission of Victim Applications for  
Participation in Pre-Trial Proceedings

The Registry sections will further file public redacted versions of some of their respective submissions by **30 July 2021, 16h00** as requested.

Best regards,  
[REDACTED]

---

**From:** Pre-Trial Chamber II communications [REDACTED]

**Sent:** 05 July 2021 16:44

**To:** Nicholls, Julian [REDACTED]; Court Management-Court Records [REDACTED]

**Cc:** [REDACTED]; Clooney, Amal [REDACTED]; Amin, Nasser [REDACTED]; Laucci, Cyril [REDACTED]; Massidda, Paolina [REDACTED]; Pellet, Sarah [REDACTED]

**Subject:** Order to file public versions of documents or to request reclassification of filings

Dear Counsel,  
Dear Court Management Section,

The Single Judge of Pre-Trial Chamber II has asked me to convey the following instructions:

In the interest of the publicity of the proceedings, the Chamber is in the process of filing public (redacted) versions of all its decisions. The parties and participants are hereby also ordered to file public redacted versions of their confidential filings or request, via email, their reclassification as public. Requests for reclassification shall be submitted by **8 July 2021, 16:00h** and public redacted versions shall be filed by not later than **30 July 2021, 16:00h**.

The Registrar is directed to reclassify as public the following documents:

- ICC-02/05-01/20-250-Conf;
- ICC-02/05-01/20-298-Conf ;
- ICC-02/05-01/20-310-Conf;
- ICC-02/05-01/20-328-Conf ;
- ICC-02/05-01/20-330-Conf; and
- ICC-02/05-01/20-419-Conf.

Sincerely,

[REDACTED]

On behalf of Pre-Trial Chamber II

**From:** Pre-Trial Chamber II communications  
**Sent:** 09 July 2021 13:42  
**To:** Court Management-Court Records  
**Cc:** Associate Legal Officer-Court Officer; Pre-Trial Chamber II communications; Nicholls, Julian; [REDACTED]; Laucci, Cyril; [REDACTED]; Massidda, Paolina; Pellet, Sarah; [REDACTED]; Clooney, Amal; [REDACTED]; Amin, Nasser; [REDACTED]  
**Subject:** Order for reclassification

Dear Court Management Section,

The Single Judge of Pre-Trial Chamber II has asked me to convey the following instructions:

Considering that the basis for the current classification of the below filings no longer exists, the Single Judge directs the Registrar to reclassify as public the following documents:

1. ICC-02/05-01/20-23-US;
2. ICC-02/05-01/20-24-Conf;
3. ICC-02/05-01/20-59-Conf;
4. ICC-02/05-01/20-167-Conf-Exp;
5. ICC-02/05-01/20-168-Conf-Exp;
6. ICC-02/05-01/20-181-Conf;
7. ICC-02/05-01/20-248-Conf.

Sincerely,

[REDACTED]

On behalf of Pre-Trial Chamber II

**From:** Pre-Trial Chamber II communications  
**Sent:** 09 July 2021 14:09  
**To:** [REDACTED]; Court Management-Court Records  
**Subject:** Order for reclassification

Dear [REDACTED],

The Single Judge of Pre-Trial Chamber II has asked me to convey the following instruction:

The [REDACTED] and its two annexes shall be reclassified as confidential.

The Registry is further instructed to file a translation into English of Annex I as soon as feasible.

Sincerely yours,

[REDACTED]

On behalf of Pre-Trial Chamber II



**From:** Pre-Trial Chamber II communications  
**Sent:** 01 February 2022 15:44  
**To:** Laucci, Cyril  
**Cc:** Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 LRV Team; Pre-Trial Chamber II communications; [REDACTED]  
**Subject:** Clarification regarding the filing of responses to ICC-02/05-01/20-563-Conf-Red

Dear Mr Laucci,

The Single Judge recalls that setting a specific procedure with regard to the 'Prosecution's application to amend the charges' (filing no. 563) is a prerogative of the Chamber, which it will consider in due course, and that the parties and participants may file their responses to the Prosecution's application, if any, within the ordinarily applicable statutory time limit.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

---

**From:** Laucci, Cyril [REDACTED]  
**Sent:** 31 January 2022 16:41  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Abd Al Rahman Prosecution Team [REDACTED]; D31 Abd-Al-Rahman Defence Team [REDACTED]; V47 LRV Team [REDACTED]  
**Subject:** Procedural Way Forward re: OTP's Application to Amend the Charges ICC-02/05-01/20-563-Conf-Red  
**Importance:** High

Honourable Pre-Trial Chamber II,

The Defence for Mr Abd-Al-Rahman hereby refers to the OTP application ICC-02/05-01/20-563-Conf-Red notified on 25 January 2022 and seeks guidance from the Pre-Trial Chamber on the appropriate way forward.

In particular, the Defence is seeking guidance as to whether the Pre-Trial Chamber is expecting it to respond thereto – and if so, the applicable time limit – or intends to issue instructions regarding the procedure to be followed pursuant to Article 61(9) of the Statute and Rule 128(2) and/or (3) of the RPE.

Yours Sincerely,

Dr Cyril Laucci,

Lead Counsel for Mr Abd-Al-Rahman.

---

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**From:** Pre-Trial Chamber II communications  
**Sent:** 02 February 2022 11:12  
**To:** Laucci, Cyril  
**Cc:** Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 LRV Team; [REDACTED]; Pre-Trial Chamber II communications  
**Subject:** RE: Clarification regarding the filing of responses to ICC-02/05-01/20-563-Conf-Red

Dear Mr Laucci,

The Single Judge further clarifies that his previous message was limited to recalling that the parties and participants may file a response to the 'Prosecution's application to amend the charges' (filing no. 563) within the applicable time limit, if they so wish. The determination of the content of such responses falls exclusively within the remit of the parties and participants.

Thank you and kind regards.  
 [REDACTED], on behalf of the Single Judge

---

**From:** Laucci, Cyril [REDACTED]  
**Sent:** 01 February 2022 15:53  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Abd Al Rahman Prosecution Team [REDACTED]; D31 Abd-Al-Rahman Defence Team [REDACTED]; V47 LRV Team [REDACTED]; [REDACTED]  
**Subject:** RE: Clarification regarding the filing of responses to ICC-02/05-01/20-563-Conf-Red

Dear [REDACTED],  
 I thank you for your reply, which is duly noted.  
 The Defence will accordingly provide its submissions on the procedure to be followed for the determination on the OTP's application by Friday 4 February at the latest, i.e. within 10 days from the notification of the application.  
 Best regards,  
 Dr Cyril Laucci,  
 Lead Counsel for Mr Ali Muhammad Ali Abd-Al-Rahman.

---

**From:** Pre-Trial Chamber II communications [REDACTED]  
**Sent:** 01 February 2022 15:44  
**To:** Laucci, Cyril [REDACTED]  
**Cc:** Abd Al Rahman Prosecution Team [REDACTED]; D31 Abd-Al-Rahman Defence Team [REDACTED]; V47 LRV Team [REDACTED]; Pre-Trial Chamber II communications [REDACTED]  
**Subject:** Clarification regarding the filing of responses to ICC-02/05-01/20-563-Conf-Red

Dear Mr Laucci,

The Single Judge recalls that setting a specific procedure with regard to the 'Prosecution's application to amend the charges' (filing no. 563) is a prerogative of the Chamber, which it will consider in due course, and that the parties and participants may file their responses to the Prosecution's application, if any, within the ordinarily applicable statutory time limit.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge

---

**From:** Laucci, Cyril [REDACTED]

**Sent:** 31 January 2022 16:41

**To:** Pre-Trial Chamber II communications [REDACTED]

**Cc:** Abd Al Rahman Prosecution Team [REDACTED]; D31 Abd-Al-Rahman Defence Team [REDACTED]; V47 LRV Team [REDACTED]

**Subject:** Procedural Way Forward re: OTP's Application to Amend the Charges ICC-02/05-01/20-563-Conf-Red

**Importance:** High

Honourable Pre-Trial Chamber II,

The Defence for Mr Abd-Al-Rahman hereby refers to the OTP application ICC-02/05-01/20-563-Conf-Red notified on 25 January 2022 and seeks guidance from the Pre-Trial Chamber on the appropriate way forward.

In particular, the Defence is seeking guidance as to whether the Pre-Trial Chamber is expecting it to respond thereto – and if so, the applicable time limit – or intends to issue instructions regarding the procedure to be followed pursuant to Article 61(9) of the Statute and Rule 128(2) and/or (3) of the RPE.

Yours Sincerely,

Dr Cyril Laucci,

Lead Counsel for Mr Abd-Al-Rahman.

---

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**From:** Pre-Trial Chamber II communications  
**Sent:** 08 February 2022 09:41  
**To:** [REDACTED]  
**Cc:** Abd Al Rahman Prosecution Team; [REDACTED]; [REDACTED]; Court Management-Court Records; [REDACTED]; Pre-Trial Chamber II communications; [REDACTED]  
**Subject:** Order for reclassification of filings ICC-02/05-01/20-563-Conf-Exp, ICC-02/05-01/20-563-Conf-Exp-Anx2 and ICC-02/05-01/20-563-Conf-Exp-Anx4

Dear colleagues,

Having noted the Prosecution's request for reclassification of filings ICC-02/05-01/20-563-Conf-Exp, ICC-02/05-01/20-563-Conf-Exp-Anx2 and ICC-02/05-01/20-563-Conf-Exp-Anx4 as well as the reasons presented in support, the Single Judge hereby grants the request and orders the Registry to reclassify the abovementioned filings to confidential.

Thank you and kind regards,  
 [REDACTED], on behalf of the Single Judge

---

**From:** [REDACTED]  
**Sent:** 07 February 2022 16:44  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Abd Al Rahman Prosecution Team [REDACTED]; [REDACTED]  
**Subject:** Request for reclassification

Dear Pre-Trial Chamber II,

Dear Colleagues,

The Prosecution requests reclassification of the following documents from confidential, *ex parte*, only available to the Prosecution, to confidential:

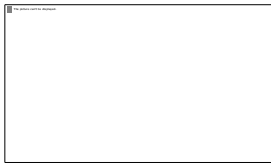
Prosecution's application to amend the charges (ICC-02/05-01/20-563-Conf-Exp);  
 Annex 2 to the Prosecution's application to amend the charges (ICC-02/05-01/20-563-Conf-Exp-Anx2); and,  
 Annex 4 to the Prosecution's application to amend the charges (ICC-02/05-01/20-563-Conf-Exp-Anx4).

These documents were originally filed as confidential, *ex parte*, available only to the Prosecution, since they contain information [REDACTED]. The Prosecution simultaneously filed confidential redacted versions of these documents. On 6 February 2022, the relevant [REDACTED]. Therefore, the reason for the original classification no longer applies and the Prosecution kindly requests that they be reclassified.

Thank you for your assistance.

Best,

[REDACTED] (on behalf of Julian Nicholls)



[REDACTED]

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 10 February 2022 17:43  
**To:** Nicholls, Julian  
**Cc:** Abd Al Rahman Prosecution Team; [REDACTED]; [REDACTED]; Pre-Trial Chamber II communications; [REDACTED]  
**Subject:** Instruction regarding the Arabic translations of filing no. 563 and its annexes

Dear Mr Nicholls,

The Single Judge has duly noted the information contained in your message and considers that it is not necessary to submit it by way of filing.

Thank you and kind regards.  
 [REDACTED], on behalf of the Single Judge

---

**From:** Nicholls, Julian [REDACTED]  
**Sent:** 10 February 2022 15:12  
**To:** Pre-Trial Chamber II communications [REDACTED]  
**Cc:** Abd Al Rahman Prosecution Team [REDACTED]  
 [REDACTED]  
**Subject:** Arabic translations of the “Prosecution’s application to amend the charges” (ICC-02/05-01/20-583-Conf)

Dear Pre-Trial Chamber II,

Dear colleagues,

In the “Réponse de la Défense à la Requête ICC-02/05-01/20-563-Conf-Red” (ICC-02/05-01/20-583-Conf), the Defence requests that the Prosecution be ordered to provide Arabic translations of the “Prosecution’s application to amend the charges” (ICC-02/05-01/20-583-Conf) (“Amendment Request”) and Annexes 1 to 4 (see ICC-02/05-01/20-583-Conf, paras. 28-29) . The Prosecution does not oppose this request.

The Prosecution notes that the Defence is already in possession of Arabic translations of Annexes [REDACTED] to the Amendment Request since these same documents were filed with the Prosecution’s Trial Brief as Annexes [REDACTED] and [REDACTED] (see Annexes [REDACTED] and [REDACTED] to the Prosecution’s submission of the Arabic translation of the Trial Brief, [REDACTED]).

Although Annex [REDACTED] is currently classified as confidential, *ex parte*, only available to the Prosecution, on 9 February 2022, the Prosecution requested Trial Chamber I to reclassify this document as confidential since the reason for the original classification no longer exists. The Defence is already in possession of the Arabic translation of the confidential redacted version of this annex (see Annex [REDACTED] to the Prosecution’s submission of the Arabic translation of the Trial Brief, [REDACTED]).

The Prosecution has requested translation of the remaining documents, and will file the Arabic translations of the Amendment Request and Annexes [REDACTED] in the record of the case as soon as practicable. The Prosecution aims to file these documents by 16 February 2022.



The Prosecution will submit this information by way of a filing, if the Chamber deems it necessary, and stands ready to provide any further information as may be required.

Thank you.

Best regards,

Julian



**Julian Nicholls**

Senior Trial Lawyer Office of  
the Prosecutor International  
Criminal Court

[REDACTED]

**From:** Pre-Trial Chamber II communications  
**Sent:** 14 February 2022 15:47  
**To:** Laucci, Cyril; [REDACTED]; Abd Al Rahman Prosecution Team; [REDACTED]  
**Cc:** Pre-Trial Chamber II communications; [REDACTED]  
**Subject:** Instruction as to additional submissions from the Defence on the Prosecution's application to amend the charges (filing no. 563)

Dear Counsel,

The Single Judge has noted (i) that the Defence framed its response to the Prosecution's application to amend the charges (filing no. 583) as 'preliminary observations', indicating that it would require an Arabic translation of the application and its annexes should the Chamber wish to receive a 'full response' of the Defence; (ii) the Defence's request that the Chamber order the filing of the aforementioned Arabic translations; and (iii) the Prosecution's information that it 'aims to file these documents by 16 February 2022' (see email sent on 10 February 2022 at 15:12).

Without prejudice to the Chamber's determination on the matter, the Defence is hereby instructed to file additional submissions, if any, on the Prosecution's application and its annexes within ten days from the date of notification of their Arabic translations.

Thank you and kind regards.

[REDACTED], on behalf of the Single Judge