



Original : English

N°: ICC-02/05-01/20  
Date: 27 February 2023

**TRIAL CHAMBER I**

**Before:** Judge Joanna Korner, Presiding Judge  
Judge Reine Alapini-Gansou,  
Judge Althea Violet Alexis-Windsor

**SITUATION IN DARFUR, SUDAN**

**IN THE CASE OF**  
*THE PROSECUTOR v. ALI MUHAMMAD ALI ABD-AL-RAHMAN,*  
*("ALI KUSHAYB")*

**Public**  
**With Public Redacted Annexes 1-7**  
**And,**  
**Confidential *EX PARTE* Annex 1 available only to the Prosecution, the Defence,**  
**and the Registry,**  
**And Confidential Annexes 2-7**  
  
**Fifth Registry Quarterly Report on Decisions issued by way of e-mail from**  
**November 2022 to January 2023**

**Source : Registry**

**Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**

**The Office of the Prosecutor**

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Ms Natalie von Wistinghausen  
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**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the  
Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

Mr Harry Tjonk

**Victims Participation and Reparations  
Section**

**Other**

## **I. Introduction**

1. The Registry submits with the present report and its 7 annexes, the public redacted and confidential versions of email decisions pursuant to the “Directions on the conduct of proceedings”<sup>1</sup> (“Directions”), issued on 4 October 2021 by Trial Chamber I (“Chamber”).<sup>2</sup>

## **II. Procedural History**

2. On 4 October 2021, the Chamber issued the Directions instructing the Registry to file all email decisions on the case record in quarterly reports starting 1 November 2021.<sup>3</sup>
3. The Chamber directed the parties and participants to: i) frame their requests made by email in a way that make their publicity possible; and ii) indicate in the email when emails cannot be made public at all.<sup>4</sup>

## **III. Classification**

4. Pursuant to regulation 23bis(1) of the Regulations of the Court, some of the annexes are classified as “confidential” because they refer to sensitive information that should not be disclosed to the public.

## **IV. Applicable law**

5. For the purpose of the present submission, the Registry considered articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

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<sup>1</sup> Trial Chamber I, Directions on the conduct of proceedings, ICC-02/05-01/20-478, 4 October 2021.

<sup>2</sup> *Ibid.*, para. 74.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, para 75.

## V. Submissions

6. In the Directions, the Chamber provided criteria for the application of the redactions to the email decisions. The Registry was instructed *inter alia* to apply redactions to i) names of Chambers staff members, where applicable; ii) names of Registry staff members, if deemed necessary by the Registry; and iii) any personal email address or other private or personal information. The Registry shall consult the participants on the redactions applied.<sup>5</sup>
7. In order to enable the parties and participants to suggest specific additional redactions, Registry liaised with the Prosecution, the Defence, the Legal Representatives of Victims, and relevant sections of the Registry.<sup>6</sup>
8. Redaction proposals were received from the Prosecution, the Defence, and the Registry.<sup>7</sup>
9. Accordingly, the Registry applied redactions to emails set forth in the following 7 annexes:
  - **Annex 1:** RE: Request for release of telephones seized from Mr Abd-Al-Rahman, dated 19 December 2022 12:26;
  - **Annex 2:** RE: Rule 74/Duty counsel: P-0921, dated 20 December 2022 15:09;
  - **Annex 3:** RE: VPRS request to TC I on Paternal Proof of Kinship, dated 22 December 2022 16:50;
  - **Annex 4:** P-1048 and P-1049, dated 03 January 2023 11:11;
  - **Annex 5:** RE: Calling order January - February 2023, dated 13 January 2023 11h06;

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<sup>5</sup> *Ibid*, para. 75.

<sup>6</sup> Emails sent by the Courtroom Officer/Associate Legal Officer on 06 February 2023 at 17h48, 17h49, and 17h50.

<sup>7</sup> Email sent by the Prosecution on 07 February 2023 at 15h24 and 08 February 2023 at 16h28 containing annexes with proposals for further redactions. Additional e-mails sent by the Defence on 08 February 2023 at 16h16 and VPRS on 09 February 2023 at 15h29.

- **Annex 6:** Re: Calling order January - February 2023, dated 20 January 2023 13h50; and,
- **Annex 7:** Updated e-court protocol (ICC-02/05-01/20-856), dated 30 January 2023 14h24.

10. In addition, the Registry simultaneously submits the 7 annexes listed above in their confidential classification.

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

Dated this 27 February 2023

At The Hague, The Netherlands