



Original : English

N°: ICC-02/05-01/20

Date: 04 May 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 and Confidential Annexes 1 and 2
Sixth Registry Quarterly Report on Decisions issued by way of e-mail from
February 2023 to April 2023

Source : Registry

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

The Office of the Prosecutor

Mr Karim A.A Khan
Ms Nazhat Shameem Khan
Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci
Mr Iain Edwards

Legal Representatives of the Victims

Ms Natalie von Wistinghausen
Mr Anand Shah

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

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 2 annexes, the public redacted and confidential versions of email decisions pursuant to the “Directions on the conduct of proceedings”¹, issued on 4 October 2021 by Trial Chamber I (“Directions” and “Chamber”, respectively).²

II. Procedural History

2. On 4 October 2021, the Chamber issued the Directions instructing the Registry to file all email decisions on the case record in quarterly reports starting 1 November 2021.³
3. The Chamber directed the parties and participants to: i) frame their requests made by email in a way that make their publicity possible; and ii) indicate in the email when emails cannot be made public at all.⁴

III. Classification

4. Pursuant to regulation 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.

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

² *Ibid.*, para. 74.

³ *Ibid.*

⁴ *Ibid.*, para 75.

V. Submissions

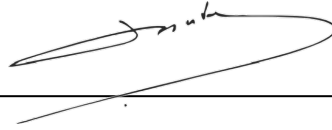
6. In the Directions, the Chamber provided criteria for the application of the redactions to the email decisions. The Registry was instructed *inter alia* to apply redactions to i) names of Chambers staff members, where applicable; ii) names of Registry staff members, if deemed necessary by the Registry; and iii) any personal email address or other private or personal information. The Registry shall consult the participants on the redactions applied.⁵
7. To this end, the Registry consulted the Prosecution, the Defence, the Legal Representatives of Victims, and relevant sections of the Registry.⁶ No redactions were proposed further to those applied pursuant to the Directions.⁷
8. Accordingly, the Registry applied redactions to emails set forth in the following 2 annexes:
 - **Annex 1:** Filing ICC-02/05-01/20-872-Conf - Redacted version of annexes, dated 21 February 2023 17:04; and,
 - **Annex 2:** Scheduling of Hearing on 3-4 April 2023, dated 21 March 2023 15:30.

⁵ *Ibid*, para. 75.

⁶ Emails sent by the Courtroom Officer/Associate Legal Officer on 1 May 2023 at 10:22.

⁷ Email sent by the Prosecution on 1 May 2023 at 10:52, the Legal Representatives of Victims on 2 May 2023 at 9:24 and the Defence on 2 May 2023 at 9:27.

9. In addition, the Registry simultaneously submits the 2 annexes listed above in their confidential classification.



Marc Dubuisson
Director, Division of Judicial Services
On behalf of Osvaldo Zavala Giler, Registrar

Dated this 04 May 2023

At The Hague, The Netherlands