



Original : English

N°: ICC-02/05-01/20
Date: 28 February 2024

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 to 3

**Ninth Registry Quarterly Report on Decisions issued by way of e-mail from
1 November 2023 to 31 January 2024**

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**

**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

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. Introduction

1. The Registry submits with the present report and its 3 annexes, the public redacted and confidential versions of email decisions pursuant to the “Directions on the conduct of proceedings”¹ (“Directions”), issued on 4 October 2021 by Trial Chamber I (“Chamber”).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. 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 (“LRVs”), and relevant sections of the Registry.⁶ The Victims Participation and Reparations Section (“VPRS”) proposed additional redactions to Annex 3.⁷ No further redactions were proposed by the Prosecution, Defence, or LRVs.⁸
8. Accordingly, the Registry applied redactions to emails set forth in the following 3 annexes:
 - **Annex 1:** FW: Email Decision on D-0023's Expertise, dated 14 November 2023 17:41;
 - **Annex 2:** RE: Public redacted version of ICC-02/05-01/20-1021-Conf, dated 23 November 2023 10:23; and,
 - **Annex 3:** RE: VPRS Request to TCI regarding victim mapping in Abd-Al-Rahman case, dated 11 January 2024 16:55.

⁵ *Ibid*, para. 75.

⁶ Emails sent by the Courtroom Officer/Associate Legal Officer on 23 February 2024 at 11:36 and 11:37.

⁷ Email sent by the VPRS on 23 February at 14:57.

⁸ Email sent by the Prosecution on 23 February at 14:59, and LRVs and Defence on 26 February at 12:24 and 14:32 respectively.

9. In addition to the public redacted annexes listed above, the Registry simultaneously submits the 3 annexes in their confidential classification.



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

Dated this 28 February 2024

At The Hague, The Netherlands