

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

N°: ICC-02/05-01/20
Date: 06 August 2020

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

SITUATION IN DARFUR, SUDAN

IN THE CASE OF *THE PROSECUTOR v. ALI MUHAMMAD ALI ABD-AL-RAHMAN*

Public
with Public Annex I,
Confidential *EX PARTE* Annex II available to the Prosecution and Defence,
Under Seal *EX PARTE* Annex III only available to the Prosecution, and
Secret *EX PARTE* Annex IV only available to the Prosecution and Registry

Registry Report on the Implementation of Decision ICC-02/05-01/07-87

Source: Registry

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for Mr Abd-Al-Rahman

Mr Cyril Laucci

Legal Representatives of the Victims

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 Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits the present report and its annexes consisting of documents which have been transferred, registered and re-stamped in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*, pursuant to the “Decision severing the case against Mr Ali Kushayb” (“Decision”), issued on 12 June 2020 by Pre-Trial Chamber II (“Chamber”).¹
2. In the Decision, the Chamber directed the Registry to:
 - open a new case record and assign it a new case number in accordance with regulation 27(1) of the Regulations of the Registry (“RoR”);²
 - transfer all documents relevant to Mr Kushayb to the Chamber, pursuant to regulation 22 of the RoR;³
 - ensure that the newly established case record contain all documents relevant to Mr Kushayb in all available versions, including translations, with the same level of confidentiality.⁴

II. Classification

3. Pursuant to regulation 23bis(1) of the Regulations of the Court, Annex II, III and IV to the present submission are classified as “confidential”, “under seal” and “secret” respectively, because they contain information of a confidential nature.

¹ Pre-Trial Chamber II, “Decision severing the case against Mr Ali Kushayb”, 12 June 2020, ICC-02/05-01/07-87. Re-stamped pursuant to the above decision as ICC-02/05-01/20-92.

² *Ibid.* page 6.

³ *Ibid.* para 10

⁴ *Idem.*

III. Applicable Law

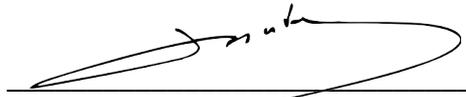
4. For the purpose of the present submission, the Registry has considered *inter alia* article 64(5) of the Rome Statute, rule 136 of the Rules of Procedure and Evidence and regulations 22 and 27 of the RoR.

IV. Submission

5. The Registry hereby informs the Chamber that, in compliance with the Decision, it has opened the new case record of the *Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*, and assigned it the following case record number ICC-02/05-01/20.
6. Relevant documents in the case of *the Prosecutor v. Ahmad Muhammad Harun* ("Ahmad Harun") and *Ali Muhammad Ali Abd-Al-Rahman* ("Ali Kushayb") listed by the Chamber have been transferred, registered and re-stamped in the record of the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* as at 16 July 2020, in accordance with the Decision.
7. Furthermore, the Registry has maintained the level of classification and identical access of all documents.

8. The Registry hereby transmits as:

- **Annex I** – The List of Public court records transferred;
- **Annex II** – The List of Confidential *Ex Parte* court records transferred;
- **Annex III** – The List of Under Seal *Ex Parte* court records transferred, and
- **Annex IV** – The List of Secret *Ex Parte* court records transferred.



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

Dated this 06 August 2020

At The Hague, The Netherlands