



Original : English

N°: ICC-02/05-01/20

Date: 26 July 2021

**TRIAL CHAMBER I**

**Before:** Judge Reine Alapini-Gansou  
Judge Joanna Korner  
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 Confidential EX PARTE Annexes 1 to 3 only available to Trial Chamber I**

**Transmission to Trial Chamber I of the record of the proceedings, including the  
Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-  
Rahman ("Ali Kushayb")**

**Source: Registry**

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  
Mr James Stewart

**Counsel for Ali Muhammad Ali Abd-Al-Rahman**

Mr Cyril Laucci

**Legal Representatives of the Victims**

Ms Amal Clooney  
Mr Nasser Mohamed Amin Abdalla

**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**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other  
Presidency**

THE REGISTRY of the International Criminal Court (“the Court”);

## I. Introduction

1. On 9 July 2021, Pre-Trial Chamber II (“Chamber”) issued its “Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)” (“Decision Confirming the Charges”)<sup>1</sup> in which it ordered, *inter alia*, the Registrar to transmit the decision on the confirmation of charges and the record of these proceedings to the Presidency.<sup>2</sup>
2. On 16 July 2021, the record of the proceedings before Pre-Trial Chamber II and the Decision Confirming the Charges were formally transmitted to the Presidency by the Registrar in accordance with rule 129 of the Rules.<sup>3</sup>
3. On 21 July 2021, the Presidency issued its “Decision constituting Trial Chamber I and referring to it the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)*” (“Decision”)<sup>4</sup> in which it ordered the Registrar to transmit the full record of the proceedings to Trial Chamber I, including the Decision Confirming the Charges.<sup>5</sup>

## II. Level of confidentiality

4. Annexes 1 to 3 to the present transmission are classified as confidential *ex parte* only available to Trial Chamber I as they refer to secret, under seal, confidential

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<sup>1</sup>Pre-Trial Chamber II, Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’), ICC-02/05-01/20-433, 9 July 2021.

<sup>2</sup> *Ibid.*, p.71.

<sup>3</sup>Registry, Transmission to the Presidency of the record of the proceedings, including the Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman (“Ali Kushayb”), ICC-02/05-01/20-439, 16 July 2021.

<sup>4</sup> Presidency, Decision constituting Trial Chamber I and referring to it the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)*, ICC-02/05-01/20-440, 21 July 2021.

<sup>5</sup> *Ibid.*

and confidential *ex parte* submissions that should only be accessible to Trial Chamber I at this stage of the proceedings.

### III. Applicable law

5. This filing is submitted pursuant to rule 130 of the Rules of Procedure and evidence, regulation 23*bis* (1) of the Regulations of the Court and in compliance with the Decision.

### IV. Submission

6. The Registry hereby transmits to Trial Chamber I the record of the proceedings as follows:

- **Annex 1** : (Index of) all Court Records in the case.
- **Annex 2** : (Index of) all Transcripts in the case.
- **Annex 3** : (Index of) all Evidentiary material registered in the case.

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Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 26 July 2021

At The Hague, The Netherlands