



Original: English

No. ICC-02/05-01/20

Date: 18 May 2022

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 annex**

**Decision adopting an updated protocol on the handling of confidential
information and contact with witnesses**

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

The Office of the Prosecutor

Karim A.A. Khan
Nazhat Shameem Khan
Julian Nicholls

Counsel for the Defence

Cyril Laucci
Iain Edwards

Legal Representatives of Victims

Natalie von Wistinghausen
Anand Shah

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

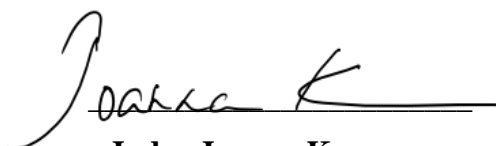
Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Other

1. On 7 December 2021, the Common Legal Representatives of Victims filed observations regarding the protocols to be adopted in the case.¹
2. On 17 December 2021, Trial Chamber I (the ‘Chamber’) decided that the pre-trial protocols would still apply until further order.² Whilst the Prosecution deferred to the Chamber’s discretion as to the adoption of a protocol on the handling of confidential information and contact with witnesses,³ the Defence made written observations in this regard.⁴
3. On 7 March 2022, the Chamber adopted a dual status witness protocol.⁵
4. Bearing in mind the concerns addressed by the parties and participants, the practice of various trial chambers and the recent adoption of an updated common protocol annexed to the Chambers Practice Manual,⁶ the Chamber hereby adopts this updated protocol for the present proceedings, as annexed.



Judge Joanna Korner

Presiding Judge



Judge Reine Alapini-Gansou



Judge Althea Violet Alexis-Windsor

Dated this 18 May 2022

At The Hague, The Netherlands

¹ Observations on the « Protocol on the handling of confidential information during investigations and contact between party or participant and witnesses of the opposing party or of a participant », ICC-02/05-01/20-531. *See also* Transcript of hearing, 19 November 2021, ICC-02/05-01/20-T-017-Red-ENG, p. 29, line 18 to p. 30, line 1; p. 30, line 9 to p. 32, line 13. *See* Transcript of hearing, 17 December 2021, ICC-02/05-01/20-T-018-CONF-ENG, p. 34, lines 8-12; p. 35, lines 10-11.

² Transcript of hearing, ICC-02/05-01/20-T-018-CONF-ENG, p. 50, lines 15-21. *See also* [Chambers Practice Manual](#), para. 78.

³ Transcript of hearing, ICC-02/05-01/20-T-018-CONF-ENG, p. 35, lines 13-14.

⁴ Defence’s observations on the “Protocol on the handling of confidential information during investigations and contact between party or participant and witnesses of the opposing party or of a participant”, 7 January 2022, ICC-02/05-01/20-553.

⁵ Decision adopting a dual status witness protocol, ICC-02/05-01/20-618.

⁶ [Chambers Practice Manual](#), fifth edition adopted in the judges’ retreat in November 2021 and published on 25 March 2022. *See* Annex ‘Protocol on the handling of confidential information during investigations and contact between a party or participants and witnesses of the opposing party or of a participant’.