

Annex 5

Public Redacted Version

[REDACTED]

From: Trial Chamber I Communications
Sent: 12 October 2023 11:58
To: D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team; Abd Al Rahman Prosecution Team; Office of the Director DJSS
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber I Communications
Subject: Decision on Defence Request for Reclassification

[ICC] RESTRICTED

Dear colleagues,
Dear counsel,

The Defence requests reclassification of the [REDACTED] contained in filing 848-Conf-Anxl, or alternatively, authorisation to refer to this information in public session during its opening statements (filing 1029-Conf, the 'Request'). The Chamber notes the Registry's communication below, [REDACTED], as well as the Prosecution's response, objecting the Defence Request (filing 1031-Conf, the 'Response').

The Chamber recalls that it previously determined the need to redact the information contained in the [REDACTED]. In its previous decision, the Chamber determined that 'the purpose of [REDACTED] is to protect information and thus to maintain confidentiality. Moreover, the Chamber must take into account that the Defence investigations are ongoing in this case and the Prosecution has ongoing investigations related to other cases in the Darfur situation' (E-mail decision of 31 May 2023).

Chamber sees no reason to change the aforesaid decision and therefore the reclassification of the [REDACTED]. The Chamber rejects the Defence's submissions that the current confidential classification no longer applies [REDACTED]. As a matter of principle, [REDACTED]. Moreover, as noted in the decision above, and as submitted by the Prosecution in its Response, ongoing investigations continue, despite the armed conflict, in the Darfur Situation and in the context of this case.

Moreover, and although the Defence submits in its Request that it intends to describe in its opening statements the difficulties it has confronted in its preparation, it has failed to explain how the information in the [REDACTED] would be necessary, particularly since the Chamber's finding of non-cooperation is already public (see Decision 913-Red).

Accordingly, the Chamber rejects the Request. Nonetheless, the Defence may address the Chamber orally during the hearing scheduled on Monday, 16 October, if it would like to address how this information would be crucial for the purpose of its opening statements.

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: Trial Chamber I Communications [REDACTED]
Sent: 12 October 2023 10:23
To: Laucci, Cyril [REDACTED] Trial Chamber I Communications [REDACTED]

Cc: Abd Al Rahman Prosecution Team [REDACTED] V47 Abd Al Rahman LRV Team
[REDACTED] Office of the Director DJSS [REDACTED] D31
Abd-Al-Rahman Defence Team [REDACTED] Associate Legal Officer-Court Officer
[REDACTED]
Subject: RE: Observations to filing 1029-Conf

[ICC] RESTRICTED

Dear counsel,
Dear colleagues,

The observations and views below have been transmitted to the Chamber.

Best,

From: Laucci, Cyril [REDACTED]
Sent: 11 October 2023 18:42
To: [REDACTED]; Trial Chamber I Communications
[REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED] V47 Abd Al Rahman LRV Team
[REDACTED]; Office of the Director DJSS [REDACTED] D31
Abd-Al-Rahman Defence Team [REDACTED] Associate Legal Officer-Court Officer
[REDACTED]
Subject: Re: Observations to filing 1029-Conf

[ICC] RESTRICTED

[ICC] RESTRICTED

Honourable Judges, Dear Colleagues,
The Defence requests the Chamber to disregard [REDACTED] on that matter, which can have no impact on Mr Abd-al-Rahman's right to a public hearing before the Court.
Yours Sincerely,
Cyril Laucci.

From: [REDACTED]
Sent: Wednesday, October 11, 2023 6:38 PM
To: Trial Chamber I Communications [REDACTED] Laucci, Cyril
[REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED] V47 Abd Al Rahman LRV Team
[REDACTED]; Office of the Director DJSS [REDACTED]; D31
Abd-Al-Rahman Defence Team [REDACTED]; Associate Legal Officer-Court Officer
[REDACTED]
Subject: RE: Observations to filing 1029-Conf

[ICC] RESTRICTED

[ICC] RESTRICTED

Dear colleagues in Chambers, dear all,

The Registry kindly informs as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

With my best,

[REDACTED]
Office of the Director, Division of Judicial Services

From: Trial Chamber I Communications [REDACTED]
Sent: 11 October 2023 17:24
To: Laucci, Cyril [REDACTED]; [REDACTED] Trial Chamber I Communications [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED] Office of the Director DJSS [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: RE: Observations to filing 1029-Conf

[ICC] RESTRICTED

Dear colleagues,
Dear counsel,
I acknowledge receipt of your e-mails, which have been transmitted to the Chamber.
However, given the late hour, I am not sure I will be able to have an answer from the Chamber before the expiry of the deadline.
Best regards,

[REDACTED]

From: Laucci, Cyril [REDACTED]
Sent: 11 October 2023 17:21
To: [REDACTED]; Trial Chamber I Communications [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED] Office of the Director DJSS [REDACTED] D31 Abd-Al-Rahman Defence Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: Re: Observations to filing 1029-Conf
Importance: High

[ICC] RESTRICTED

[ICC] RESTRICTED

Honourable Judges, Dear Colleagues,

The Defence fails to see the need of [REDACTED] and opposes it vigorously for the reasons already provided in its Request 1029-Conf.

The Defence is in process of preparing its opening statement for the 18/10 and cannot wait further to know whether [REDACTED] can be made public, as this will largely impact on the structure and content of its opening statements.

The right of Mr Abd-Al-Rahman to a public hearing cannot be conditioned by [REDACTED].

Best regards,

Cyril Laucci,

Lead Counsel for the Defence.

From: [REDACTED]

Sent: Wednesday, October 11, 2023 5:10 PM

To: Trial Chamber I Communications [REDACTED]

Cc: Abd Al Rahman Prosecution Team [REDACTED] V47 Abd Al Rahman LRV Team

[REDACTED]; Office of the Director DJSS [REDACTED] D31
Abd-Al-Rahman Defence Team [REDACTED]; Associate Legal Officer-Court Officer

[REDACTED]

Subject: RE: Observations to filing 1029-Conf

[ICC] RESTRICTED

Dear colleagues in Chambers,

The Registry kindly informs that [REDACTED].

The Registry would be grateful if this request could kindly be granted.

With my best,

[REDACTED]
Office of the Director, Division of Judicial Services

From: [REDACTED]

Sent: 09 October 2023 09:35

To: Trial Chamber I Communications [REDACTED] Abd Al Rahman Prosecution Team [REDACTED] V47 Abd Al Rahman LRV Team

[REDACTED] Office of the Director DJSS [REDACTED]

Cc: D31 Abd-Al-Rahman Defence Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]

Subject: Re: Observations to filing 1029-Conf

[ICC] RESTRICTED

Dear colleagues in Chambers,

On behalf of the Registry, thank you kindly for your message; the Registry will proceed accordingly.

With my best,

[REDACTED]
Office of the Director, Division of Judicial Services

From: Trial Chamber I Communications [REDACTED]
Sent: 09 October 2023 09:21
To: Abd Al Rahman Prosecution Team [REDACTED]; V47 Abd Al Rahman LRV Team [REDACTED] Office of the Director DJSS [REDACTED]
Cc: D31 Abd-Al-Rahman Defence Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]; Trial Chamber I Communications [REDACTED]
Subject: Observations to filing 1029-Conf

Dear counsel,
Dear colleagues,

The Registry is instructed to file observations to the Defence's request for reclassification (filing 1029-Conf) by COB, Wednesday, 11 October. The Prosecution and the CLRV may file their responses by the same deadline.

Best regards,

[REDACTED]
(on behalf of Trial Chamber I)

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