

Annex 3

Public

From: Trial Chamber I Communications
Sent: 09 November 2021 15:14
To: Chamber Decisions Communication
Cc: Trial Chamber I Communications
Subject: FW: The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb):
 ICC-02/05-01/20-482 - questions to the Trial Chamber

For the record.

-----Original Message-----

From: Trial Chamber I Communications [REDACTED]
Sent: 09 November 2021 15:11
To: Natalie von Wistinghausen [REDACTED]; Trial Chamber I Communications
 [REDACTED]
Cc: Abd Al Rahman Prosecution Team [REDACTED] D31 Abd-Al-Rahman Defence
 Team [REDACTED]; OTR Counsel Support Section
 [REDACTED]; cyril laucci [REDACTED] Iain Edwards
 [REDACTED] Amin, Nasser [REDACTED]
 Abdallah, Yara [REDACTED]; Nicholls, Julian [REDACTED]; Wistinghausen, Natalie
 [REDACTED]
Subject: RE: The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-482 - questions to
 the Trial Chamber

Dear counsel,

In answer to your questions, the Chamber clarifies that in-person attendance to trial hearings remains the rule. However, the Chamber may exceptionally grant requests from counsel to attend hearings remotely if required (i.e. due to COVID-19 travel restrictions).

Similarly, the representation of victims via their counsel remains the rule. Other members of the team, such as legal assistants, will not, in principle, be allowed to make submissions before the Chamber. However, counsel may request leave so they address the Chamber on a case-by-case basis.

In respect of counsel's question on Arabic translation and interpretation, the Chamber emphasises that the two working languages of the Court are English and French. Arabic translation and interpretation is provided for the benefit of the accused, not of counsel (who require to speak one of the two working languages) or victims they represent.

Notwithstanding, the Chamber is cognisant that there may be occasions where it may be in the interests of victims to hear their counsel address the Court in Arabic. Thus, and although in principle counsel must address the Chamber in one of the two working languages, he may, on a case-by-case basis, seek leave from the Chamber if he wishes to make submissions in Arabic.

Kind regards,

[REDACTED]
 (on behalf of Trial Chamber I)

-----Original Message-----

From: Natalie von Wistinghausen [REDACTED]
Sent: 03 November 2021 15:20
To: Trial Chamber I Communications [REDACTED]

Cc: [REDACTED]; Abd Al Rahman Prosecution Team
 [REDACTED]; D31 Abd-Al-Rahman Defence Team
 [REDACTED]; OTR Counsel Support Section [REDACTED]
 [REDACTED]; cyril laucci [REDACTED] Iain Edwards [REDACTED]
 [REDACTED]; Amin, Nasser [REDACTED] Abdallah, Yara [REDACTED]
 Nicholls, Julian [REDACTED] Wistinghausen, Natalie [REDACTED]
 [REDACTED]

Subject: The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb): ICC-02/05-01/20-482 - questions to the Trial Chamber

Honourable Judges of Trial Chamber I,

I'm in the process of sending a request to the Registry regarding legal aid and team composition for the CLRV. As you can imagine, it is quite urgent to put together a team to ensure an effective and efficient legal representation.

I have the following questions regarding some practical issues and I kindly request the Trial Chamber to provide me with guidance on the following matters:

1. Will the Trial Chamber allow remote attendance of the hearings for the CLRV once the trial started?
2. Will the Trial Chamber allow the right of audience/intervention/submission by Legal Assistant (as e.g. in the Ongwen case)?
3. Does the Trial Chamber consider allowing Arabic translation throughout the proceedings, for the benefit of Mr. Abdalla and our clients? Will Mr. Abdalla be allowed to make oral submissions in Arabic?

Please do not hesitate to get back to me if anything is unclear or requires a more specific request. And I apologize in advance if I forgot anybody in the distribution list, please let me know if this is the case and I will duly note it for any future communication.

Thank you very much in advance.

Kind regards,

Natalie von Wistinghausen
 CLRV

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