



Original : English

N°: ICC-02/05-01/20

Date: 25 July 2023

**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 Redacted and Confidential Annexes 1 and 2**

**Seventh Registry Quarterly Report on Decisions issued by way of e-mail from  
May to July 2023**

**Source : Registry**

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

**The Office of the Prosecutor**

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Ms Natalie von Wistinghausen  
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**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

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

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

Mr Pieter Vanaverbeke

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## **I. Introduction**

1. The Registry submits with the present report and its 2 annexes, the public redacted and confidential versions of email decisions pursuant to the “Directions on the conduct of proceedings”<sup>1</sup> (“Directions”), issued on 4 October 2021 by Trial Chamber I (“Chamber”).<sup>2</sup>

## **II. Procedural History**

2. On 4 October 2021, the Chamber issued the Directions instructing the Registry to file all email decisions on the case record in quarterly reports starting 1 November 2021.<sup>3</sup>
3. The Chamber directed the parties and participants to: i) frame their requests made by email in a way that make their publicity possible; and ii) indicate in the email when emails cannot be made public at all.<sup>4</sup>

## **III. Classification**

4. Pursuant to regulation 23bis(1) of the Regulations of the Court, some of the annexes are classified as “confidential” because they refer to sensitive information that should not be disclosed to the public.

## **IV. Applicable law**

5. For the purpose of the present submission, the Registry considered articles 64(7), 64(10) and 67(1) of the Rome Statute and rule 137 of the Rules of Procedure and Evidence.

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<sup>1</sup> Trial Chamber I, Directions on the conduct of proceedings, ICC-02/05-01/20-478, 4 October 2021.

<sup>2</sup> *Ibid.*, para. 74.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, para 75.

## V. Submissions

6. In the Directions, the Chamber provided criteria for the application of the redactions to the email decisions. The Registry was instructed *inter alia* to apply redactions to i) names of Chambers staff members, where applicable; ii) names of Registry staff members, if deemed necessary by the Registry; and iii) any personal email address or other private or personal information. The Registry shall consult the participants on the redactions applied.<sup>5</sup>
7. In order to enable the parties and participants to suggest specific additional redactions, the Registry liaised with the Prosecution, the Defence, the Legal Representatives of Victims (“LRVs”), and relevant sections of the Registry.<sup>6</sup> The Prosecution proposed additional redactions to Annex 1.<sup>7</sup> No further redactions were proposed by the Registry, LRVs and Defence.<sup>8</sup>
8. Accordingly, the Registry applied redactions to emails set forth in the following 2 annexes:
  - **Annex 1:** RE: The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (“Ali Kushayb”): ICC-02/05-01/20-958-Conf+Conf-Anxs - Prosecution’s response to “Requête en vertu de la Norme 23bis-3 du Règlement de la Cour”, dated 31 May 2023 14:51; and,
  - **Annex 2:** Reclassification - Filing 710-Conf, dated 31 May 2023 15:25.

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<sup>5</sup> *Ibid*, para. 75.

<sup>6</sup> Emails sent by the Courtroom Officer/Associate Legal Officer on 18 July 2023 at 11:32.

<sup>7</sup> Email sent by the Prosecution on 20 July at 16:28.

<sup>8</sup> Email sent by the Registry on 19 July at 12:03, LRVs on 20 July at 17:21, and the Defence on 21 July at 11:22.

9. In addition, the Registry simultaneously submits the 2 annexes listed above in their confidential classification.

p.p.



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Marc Dubuisson  
Director, Division of Judicial Services  
On behalf of Osvaldo Zavala Giler, Registrar

Dated this 25 July 2023

At The Hague, The Netherlands