



Original : English

N°: ICC-02/05-01/20  
Date: 09 February 2024**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 Annexes 1 to 5**  
**Confidential Annexes 1, 3, 4 and 5**  
**and**  
**Confidential *EX PARTE* Annex 2 available to the Registry only**

**Eighth Registry Quarterly Report on Decisions issued by way of e-mail from  
1 August to 31 October 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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**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

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Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the  
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**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 5 annexes, the public redacted, confidential and confidential *ex parte* 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 23*bis*(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 or should be known to a very limited number of persons.

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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.

#### 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.

#### 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, Registry liaised with the Prosecution, the Defence, the Legal Representatives of Victims (“LRVs”), and relevant sections of the Registry.<sup>6</sup> Redactions were proposed by the Registry,<sup>7</sup> the Prosecution,<sup>8</sup> and the Defence.<sup>9</sup> No further redactions were proposed by the LRVs.<sup>10</sup>

8. Accordingly, the Registry applied redactions to emails set forth in the following 5 annexes:

- **Annex 1:** RE: Submissions on filing 1005.-, dated 28 August 2023 14:10;
- **Annex 2:** RE: Submissions on filing 1005.-, dated 01 September 2023 10:39;

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

<sup>6</sup> Emails sent by the Courtroom Officer/Associate Legal Officer on 12 January 2024 at 16:45, 16:46, 17:00, and 17:02.

<sup>7</sup> Email from the Registry received by the Courtroom Officer/Associate Legal Officer on the same day at 17:51.

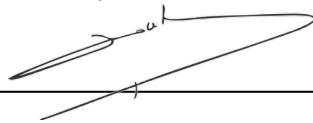
<sup>8</sup> Email from the Prosecution received on 15 January 2024 at 17:01, 17:03 and 17:22.

<sup>9</sup> Email from the Defence received on 17 January 2024 at 18:53.

<sup>10</sup> Email from the LRVs received on 18 January 2024 at 9:28, 17 January 2024 at 18:41.

- **Annex 3:** RE: Request for schedule of appearance of Defence witnesses for first block, dated 27 September 2023 14:48;
- **Annex 4:** Order of appearance of Defence witnesses, dated 04 October 2023 16:38; and,
- **Annex 5:** Decision on Defence Request for Reclassification, dated 12 October 2023 11:58.

9. In addition to the public redacted annexes listed above, the Registry simultaneously submits the 5 annexes in their confidential classification.



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

Dated this 09 February 2024

At The Hague, The Netherlands