



Original: English

No. **ICC-02/05-01/20**
Date: **24 January 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

**Addendum to Directions on the Conduct of Proceedings
Motion for Acquittal**

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

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 4 October 2021, Trial Chamber I (the ‘Chamber’) issued the ‘Directions on the conduct of proceedings’.¹
2. On 15 December 2022, the Chamber issued its ‘Second Directions on the Conduct of Proceedings’.²
3. On 24 January 2023, the Chamber indicated that it would file an addendum to the aforesaid Directions on the Conduct of Proceedings, setting out the procedure for an eventual motion of acquittal.³
4. In its Second Directions on the Conduct of Proceedings, the Chamber, bearing in mind the estimated end of the Prosecution’s case at the time, as well as the Defence’s indication that it might file a ‘no case to answer motion’, set the deadline of 1 March 2023 for the Defence to file any request for leave to file such a motion.⁴
5. Accordingly, the Chamber modifies the aforesaid deadline and provides the following directions in relation to an eventual motion for acquittal.
6. The Defence shall file an application for leave to present a motion for acquittal, no later than 5 days after the close of the Prosecution’s case.⁵ The Trial Chamber will decide in its discretion whether to grant leave.
7. Should leave be refused, the decision shall not contain any assessment of evidence.
8. If the Chamber grants leave, the following procedure applies:

¹ Directions on the conduct of proceedings, ICC-02/05-01/20-478 with Annex A.

² Second Directions on the Conduct of Proceedings, ICC-02/05-01/20-836.

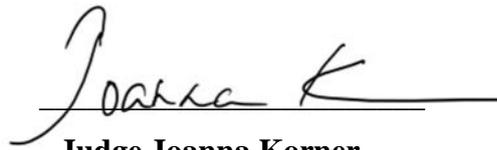
³ Transcript of the hearing on 24 January 2023, ICC-02/05-01/20-T-108-ENG RT, p. 81, lines 14 et seq.

⁴ Second Directions on the Conduct of Proceedings, ICC-02/05-01/20-836, paras 9-11. The Chamber notes that at paragraph 9 it stated that it may reconsider this deadline if there were any ‘significant changes to the expected conclusion of the Prosecution case’.

⁵ See Second Directions on the Conduct of Proceedings, ICC-02/05-01/20-836, para. 8: The Prosecution shall notify the conclusion of its evidence presentation by way of a formal notice to be filed in the case record. Such a notice must be filed promptly after the conclusion of the presentation of evidence.

- a) The Defence shall file the appropriate motion in writing, within 5 days, stating its grounds in support. The written document shall not exceed 5 pages.
- b) The Prosecutor and common legal representatives of victims may respond within 5 days of receipt of the Defence submissions. Their written submissions shall not exceed 5 pages.
- c) Thereafter, the Trial Chamber will hold a hearing within 14 days of receipt of the responses. If necessary, the Trial Chamber may call for written submissions prior to the hearing.
- d) A decision rejecting the motion shall be filed within 14 days of the hearing.

9. Where the issue of acquittal is notified to the parties by the Chamber *proprio motu*, the Chamber shall indicate the charges on which it seeks submissions. Thereafter the parties and legal representatives of victims shall file observations within 30 days of receipt of the Chamber's notification. A hearing shall be held within 30 days of the filing of the submissions.

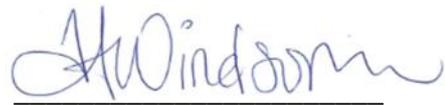


Judge Joanna Korner

Presiding Judge



Judge Reine Alapini-Gansou



Judge Althea Violet Alexis-Windsor

Dated this 24 January 2023

At The Hague, The Netherlands