



**Original: English**

**No. ICC-02/05-01/20  
Date: 16 February 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**

**Decision on the Common Legal Representatives for Victims' request to present  
evidence and views and concerns**

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**

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**Registrar**

Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Philipp Ambach

**Other**

1. On 19 October 2021, Trial Chamber I (the ‘Chamber’) issued a decision on victims’ participation and representation in trial proceedings, and appointed a team of Common Legal Representatives for Victims (the ‘CLR V’).<sup>1</sup>
2. On 26 October 2022, the CLR V filed a notification of intention to file a trial brief and preliminary submissions on the scheduling of a victims’ case.<sup>2</sup>
3. On 15 December 2022, the Chamber issued the Second Directions on the Conduct of Proceedings, setting, *inter alia*, the deadlines for the presentation of the CLR V’s case.<sup>3</sup>
4. On 6 February 2023, the CLR V requested leave to present evidence and views and concerns of the participating victims (the ‘CLR V’s Request’).<sup>4</sup>
5. The Defence<sup>5</sup> and the Prosecution<sup>6</sup> responded to the CLR V’s Request on 9 and 14 February 2023, respectively, indicating they have no objections.
6. The CLR V requests leave to call: (i) one witness, who is not a participating victim, and whose testimony will not touch on the charged events; and (ii) four participating victims to provide their views and concerns *viva voce* before the Chamber.<sup>7</sup>
7. Pursuant to Article 68(3) of the Rome Statute and considering that the parties do not object to the CLR V’s Request,<sup>8</sup> the Chamber hereby grants the CLR V’s Request to present a case on behalf of the participating victims. Accordingly, the Chamber

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<sup>1</sup> Decision on victims’ participation and legal representation in trial proceedings, ICC-02/05-01/20-494.

<sup>2</sup> CLR V Notification of intention to file a Trial Brief and Preliminary Submissions on the scheduling of a victims’ case, ICC-02/05-01/20-785.

<sup>3</sup> ICC-02/05-01/20-836, paras 13-15.

<sup>4</sup> Common Legal Representative of Victims’ Request to present evidence and views and concerns, ICC-02/05-01/20-865-Conf-Exp. Confidential redacted and public redacted versions were notified on 9 February 2023, ICC-02/05-01/20-865-Conf-Red and ICC-02/05-01/20-865-Red. Corrigenda were notified on 10 February 2023 (ICC-02/05-01/20-865-Conf-Exp-Corr) and 13 February 2023 (ICC-02/05-01/20-865-Conf-Red-Corr).

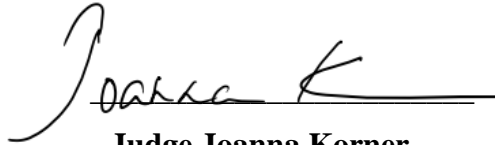
<sup>5</sup> Réponse à la Requête ICC-02/05-01/20-865-Red, ICC-02/05-01/20-866 (hereinafter : ‘Defence’s Response’).

<sup>6</sup> Transcript of hearing, ICC-02/05-01/20-T-113-ENG RT, p. 29, lines 5-9.

<sup>7</sup> CLR V’s Request, ICC-02/05-01/20-865-Conf-Red-Corr, para. 7.

<sup>8</sup> Defence’s Response, ICC-02/05-01/20-866, para. 3; Transcript of hearing, ICC-02/05-01/20-T-113-ENG RT, p. 29, lines 5-9.

authorises the appearances of Witness DAR-CLR-P-0001, and victims a/25009/21, a/10127/22, a/25040/21, and a/15002/18.<sup>9</sup>



**Judge Joanna Korner**

**Presiding Judge**



**Judge Reine Alapini-Gansou**



**Judge Althea Violet Alexis-Windsor**

Dated this 16 February 2023

At The Hague, The Netherlands

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<sup>9</sup> CLRV's Request, ICC-02/05-01/20-865-Conf-Red-Corr, para. 47.