



Original: English

No. ICC-02/05-01/20

Date: 10 May 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 Annex

Sixth decision on the admission of victims to participate in trial proceedings

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

Oswaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

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, in which it adopted Pre-Trial Chamber II’s victim application process (the ‘ABC Approach’) and appointed a team of Common Legal Representatives for Victims (the ‘CLRV’) (the ‘Decision on victims’ participation’).¹
2. On 12 November 2021, as a result of a Defence request, the Chamber issued an oral decision confirming the use of the ABC Approach.²
3. Between 14 January 2022 and 10 March 2023, the Chamber issued five decisions authorising the participation of a total of 489 victims in the trial proceedings.³
4. On 24 April 2023, the Registry transmitted 112 victims’ applications from Group A,⁴ as well as an accompanying assessment report.⁵

Applicable law

5. The Chamber incorporates by reference the general framework applicable to the assessment of victims’ applications.⁶

Group A applications

6. The Registry has transmitted 112 new applications which it concludes fall within Group A. The Chamber accepts this assessment as they meet the required conditions for granting victim status under the Rule 85(a) Test. The Chamber has not identified any clear, material error in the Registry’s assessment and therefore authorises their participation as victims.

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

² Transcript of hearing, 12 November 2021, ICC-02/05-01/20-T-017-Red-ENG, p. 44, line 18 to p. 47, line 8. A request for leave to appeal this decision was also rejected. *See* Decision on the Defence’s requests for leave to appeal the oral decisions on the inadmissibility of evidence and victims’ participation, 2 December 2021, ICC-02/05-01/20-525. *See* Requête aux fins d’autorisation d’interjeter appel de la décision orale de rejet la Requête ICC-02/05-01/20-497, 18 November 2021, ICC-02/05-01/20-520. *See* Requête relative au processus d’admission des victimes à participer à la procédure, ICC-02/05-01/20-497. *See also* Decision establishing the principles applicable to victims’ participation and representation during the Confirmation Hearing, 18 January 2021, ICC-02/05-01/20-259.

³ First decision on the admission of victims to participate in trial proceedings, 14 January 2022, ICC-02/05-01/20-556; Second decision on the admission of victims to participate in trial proceedings, 3 October 2022, ICC-02/05-01/20-761; Third decision on the admission of victims to participate in trial proceedings, 22 November 2022, ICC-02/05-01/20-817; Fourth decision on the admission of victims to participate in trial proceedings, 1 February 2023, ICC-02/05-01/20-861; Fifth decision on the admission of victims to participate in trial proceedings, 10 March 2023, ICC-02/05-01/20-901.

⁴ Sixth Registry Transmission of Group A Applications for Victim Participation in Trial Proceedings, ICC-02/05-01/20-922 (with 112 confidential *ex parte* annexes, notified on 25 April 2023).

⁵ Sixth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, ICC-02/05-01/20-921 (with confidential annex, notified on 25 April 2023). None of the parties or participants responded to the Registry’s Report.

⁶ First decision on the admission of victims, ICC-02/05-01/20-556, para. 4.

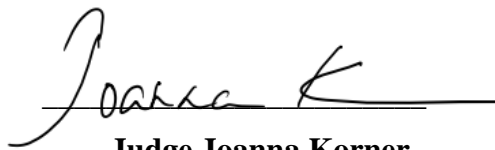
7. A full list with the victims admitted to participate in trial is annexed to the present decision.

Legal representation

8. In line with the legal representation system already in place, the CLRV will represent the newly admitted victims.⁷

9. For these reasons, the Chamber:

- i. Authorises the 112 new applicants identified in Group A of the Registry's Report to participate as victims in the trial proceedings;
- ii. Decides that the CLRV will represent the 112 newly admitted victims hereby authorised to participate in the proceedings henceforth.

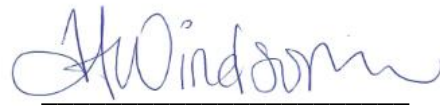


Judge Joanna Korner

Presiding Judge



Judge Reine Alapini-Gansou



Judge Althea Violet Alexis-Windsor

Dated this **10 May 2023**

At The Hague, The Netherlands

⁷ Decision on victims' participation, ICC-02/05-01/20-494, paras 7-13. Following a decision by the Chamber, the team representing the participating victims is presently composed of Ms von Winstinghausen and Mr Shah, *see* Transcript of hearing, 9 May 2022, ICC-02/05-01/20-T-038-CONF-ENG, p. 2, lines 9-14.