

**Original: English**No. **ICC-02/05-01/20**Date: **31 May 2023**Date of original: **8 November 2022****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 redacted version of**

**Addendum to the 'Decision on the Defence's second request pursuant to Article  
87(5)(b)'**

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 Participations and Reparations  
Section**

**Other**

Competent authorities of the Republic of  
Sudan

1. On 4 November 2022, Trial Chamber I (the ‘Chamber’) issued the ‘Decision on the Defence’s second request pursuant to Article 87(5)(b)’ (the ‘Decision of 4 November 2022’).<sup>1</sup>
2. On 7 November 2022, upon the request of the Defence to include the documents sought in its fourth request for legal assistance to the Sudanese authorities (the ‘Fourth Request’) in the Chamber’s Decision of 4 November 2022,<sup>2</sup> the Chamber determined to provide an addendum to the Decision of 4 November 2022.<sup>3</sup>
3. The Chamber incorporates, by reference, the general framework applicable to requests for cooperation pursuant to Article 57(3)(b) of the Rome Statute (the ‘Statute’).<sup>4</sup>
4. The Chamber notes that, pursuant to Article 93(1)(i) of the Statute, the ‘provision of records and documents, including official records and documents’ may be the subject of a cooperation request. In relation to the documents sought by the Defence,<sup>5</sup> the Chamber is satisfied that these documents are specific, necessary for the preparation of Mr Abd-Al-Rahman’s defence and relevant to the present case.

---

<sup>1</sup> ICC-02/05-01/20-806-Conf.

<sup>2</sup> Transcript of hearing, 7 November 2022, ICC-02/05-01/20-T-092-ENG RT, p. 8, line 8 et seq., *referring to* Nouvelle Requête en vertu de l’Article 87-5-b du Statut à la lumière des Observations ICC-02/05-01/20-707-Conf-Exp-Anx1, 11 October 2022, ICC-02/05-01/20-768-Conf-Exp, para. 18 (notified on 12 October 2022). A confidential redacted version was notified on the same day, ICC-02/05-01/20-768-Conf-Red.

<sup>3</sup> Transcript of hearing on 7 November 2022, ICC-02/05-01/20-T-092-ENG RT, p. 59, line 15 et seq., *referring to* Annex 1 to the Nouvelle Requête en vertu de l’Article 87-5-b du Statut à la lumière des Observations ICC-02/05-01/20-707-Conf-Exp-Anx1, 11 October 2022, ICC-02/05-01/20-768-Conf-Exp-Anx.

<sup>4</sup> Decision on the Defence request for cooperation pursuant to Article 57(3)(b) of the Statute, 11 February 2022, ICC-02/05-01/20-590-Conf-Exp, paras 4-7.

<sup>5</sup> Annex 1 to the Nouvelle Requête en vertu de l’Article 87-5-b du Statut à la lumière des Observations ICC-02/05-01/20-707-Conf-Exp-Anx1, 11 October 2022, ICC-02/05-01/20-768-Conf-Exp-Anx, pp. 2-3.

5. Accordingly, and further to the documents listed in paragraph 19 of the Decision of 4 November 2022, the Chamber requires that the Sudanese authorities provide the following documents as soon as possible, and no later than **13 January 2023**:

[REDACTED]

6. Noting that the Sudanese authorities have not filed observations as regards the Fourth Request, and should the Sudanese authorities so require, they may file observations on the aforesaid documents by **1 December 2022**.

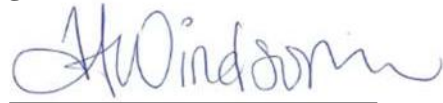


**Judge Joanna Korner**

**Presiding Judge**



**Judge Reine Alapini-Gansou**



**Judge Althea Violet Alexis-Windsor**

Dated this 8 November 2022

At The Hague, The Netherlands