



Original: **English**

No.: **ICC-02/05-01/20**

Date: **13 June 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

Defence response to Prosecution’s second request for in-court protective measures

Source: Defence for Mr Ali Muhammad Ali Abd-Al-Rahman

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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Ms Nazhat Shameem Khan
Mr Julian Nicholls

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Legal Representatives of Victims

Ms Natalie von Wistinghausen
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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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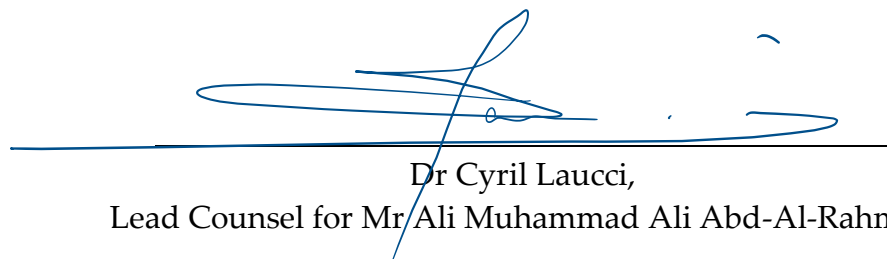
**Victims Participation and Reparations
Section**

1. The Defence for Mr Ali Muhammad Ali Abd-Al-Rahman (“Defence”) responds to the Prosecution’s second request for in-court protective measures (“Request”)¹, which concerns seven witnesses: (i) one insider, and (ii) six crime-base witnesses.² Pursuant to Regulation 23*bis*-2 of the Regulations of the Court, its response is filed publicly, mirroring the public redacted version of the Request, as it makes no reference to confidential information redacted therefrom.

2. The Defence does not oppose the relief requested by the Prosecution in its Request. The Defence further points out that the Prosecution, once again, motivates its request by referring to the ongoing precarious security situation in Darfur.³ In this regard, the Defence reiterates its full support for requests of the kind and incorporates by reference its submissions on the Court’s mandate of protecting witnesses in Sudan, as laid out and recalled in its Response to the First Prosecution’s request for in-court protective and special measures⁴, which militate in favour of granting the relief sought by the Prosecution.⁵

3. Finally, the Defence reiterates that its support for the Request should not be construed as an admission that any of the risks bearing on the witnesses can be attributable to Mr. Ali Muhammad Ali Abd-Al-Rahman or any of his purported supporters – should it be suggested in the Request – nor as an acceptance of the admissibility of the evidence the Prosecution may wish to introduce through these witnesses.

Respectfully submitted,



Dr Cyril Laucci,
Lead Counsel for Mr Ali Muhammad Ali Abd-Al-Rahman

Dated this 13th June 2022 at The Hague, The Netherlands

¹ ICC-02/05-01/20-697-Conf and its public redacted version [ICC-02/05-01/20-697-Red](#).

² Request and its public redacted version [ICC-02/05-01/20-697-Red](#), paras 1, 18, 20.

³ Request and its public redacted version [ICC-02/05-01/20-697-Red](#), paras 15-16.

⁴ ICC-02/05-01/20-628-Conf and its public redacted version [ICC-02/05-01/20-628-Red](#).

⁵ *Ibid*, par. 3.