

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

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**

**Observations on behalf of Victims on the “Prosecution’s second request for in-court protective measures”**

**Source:** The Common Legal Representative of Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

**The Office of the Prosecutor**

Mr Karim A. A. Khan

Mr James Stewart

Mr Julian Nicholls

**Counsel for the Defence**

Mr Cyril Laucci

Mr Iain Edwards

**Legal Representative of the Victims**

Ms Natalie von Wistinghausen

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**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**

Mr Peter Lewis

**Counsel Support Section**

Mr Pieter Vanaverbeke

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Other**

1. The Common Legal Representative of Victims (“CLRVR”) submits these observations on the “Prosecution’s second request for in-court protective measures”.<sup>1</sup> The observations are filed publicly, as they refer only to information contained in the public redacted version of the confidential Second Request.
2. As was the case with the CLRVR’s observations on the Prosecution’s first request for protective measures,<sup>2</sup> the CLRVR fully supports the requested in-court protective measures for the one insider witness<sup>3</sup> and six crime base witnesses<sup>4</sup> covered by the Second Request, in light of the reasons and information provided by the Prosecution.<sup>5</sup> The CLRVR likewise supports the requested special measures in respect of four of the crime base witnesses.<sup>6</sup>
3. The CLRVR reiterates its previous submission that protective measures should properly balance the Court’s obligation to protect the interests of victims and witnesses, against the fair trial rights of the accused and the principle of public proceedings, and that the participating victims have a strong general interest in trial hearings taking place in public, to the greatest extent possible.<sup>7</sup>
4. The CLRVR also advises that the Second Request does not include individuals who have the status of participating victims (‘dual status individuals’).

Respectfully submitted,



Natalie v. Wistinghausen  
Common Legal Representative of Victims

Dated this 13 of June 2022  
At Berlin, Germany

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<sup>1</sup> Prosecution’s second request for in-court protective, ICC-02/05-01/20-697-Conf, 31 May 2022 (“Second Request”). The public redacted version of the Request is [ICC-02/05-01/20-697-Red](#).

<sup>2</sup> ICC-02/05-01/20-631-Conf (“First CLRVR Observations”) (public redacted version [ICC-02/05-01/20-631-Red](#)).

<sup>3</sup> P-1047.

<sup>4</sup> P-0916, P-0979, P-0999, P-1040, P-1073, P-1074.

<sup>5</sup> Second Request, paras 15-22.

<sup>6</sup> *Id.*, paras 13-14.

<sup>7</sup> First CLRVR Observations, para. 4.