

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/05-01/2**

Date: **22 June 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 Confidential *ex parte* – Defence only – Annexes 1, 3 to 7, 9, 10 and 13,
Confidential *ex parte* – Defence, Prosecution only – Annex 8
and Confidential Annexes 2, 11 and 12**

**Public Redacted Version of
UPDATE ON PROGRESS IN THE DEFENCE PREPARATION
(ICC-02/05-01/20-977-Conf, 22 June 2023)**

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

Mr Karim A. A. Khan KC
Ms Nazhat Shameem Khan
Mr Julian Nicholls

Counsel for the Defence

Dr Cyril Laucci, Lead Counsel
Mr Iain Edwards, Associate Counsel

Legal Representatives of the Victims

Ms Natalie von Wistinghausen
Mr Anand Shah

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**

Mr Xavier-Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Mr Pieter Vanaverbeke

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Defence for Mr Ali Muhammad Ali Abd-Al-Rahman (“the Defence”, “Mr Abd-Al-Rahman”) refers to its earlier “*Transmission de documents en vue de la conférence de mise en état du 23 mai 2023*” of 15 May 2023 (“the First Transmission”)¹ and its annexed chronology (“the Chronology”).² While aware of the forthcoming status conference scheduled for 5 July 2023,³ the Defence submits that the Chamber may find it useful and appropriate to receive this update on the progress of the Defence’s preparations.

2. To this end, the Defence hereby transmits an updated Chronology in Annex 13 (“the Updated Chronology”), as well as Annexes 1 to 12, which are specific documents listed in the Updated Chronology.

3. Pursuant to Regulations 23*bis*(1) and (2) of the Regulations of the Court (“the RoC”), the present transmission is filed under the classification “Confidential” which corresponds to the current classification of most of the information contained therein. A public redacted version will also be filed in due course. Annexes 1, 3 to 7, 9, 10 and 13 to the present transmission are filed under the classification “Confidential *ex parte* – Defence only -” consistent with the *ex parte* nature of the 24 May 2023 Status Conference and in light of the classification of the information contained therein. Annex 8 is classified “Confidential *ex parte* – Prosecution and Defence only -”. Annexes 2, 11 and 12 are classified “Confidential”.

4. The Defence summarizes below what it has been able to achieve for the preparation of its case. The most significant developments since the *ex parte* Status Conference of 24 May 2023 include the following:

(i) [REDACTED];⁴

(ii) [REDACTED];⁵

(iii) [REDACTED];⁶

¹ ICC-02/05-01/20-941.

² ICC-02/05-01/20-941-Conf-Exp-Anx82.

³ Email from Chamber to the Parties and Participants, 24 May 2023, 12h18.

⁴ [REDACTED].

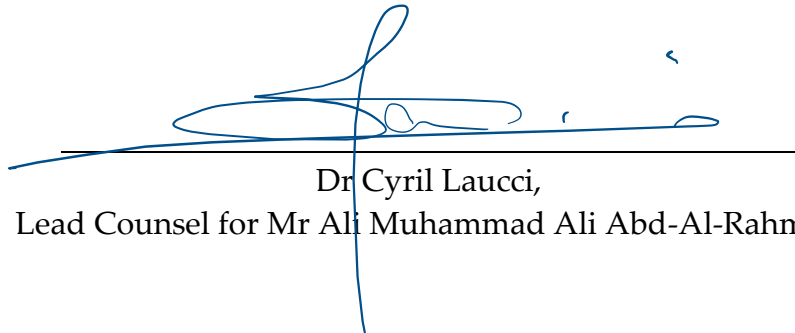
⁵ [REDACTED].

⁶ [REDACTED].

(iv) [REDACTED].⁷ [REDACTED].⁸ [REDACTED].

5. It will be noted that the Defence has, despite of its best efforts, made very limited progress. The reasons are essentially the same as those discussed at the *ex parte* Status Conference of 24 May 2023.⁹

6. The Defence will provide a further update to the Chamber at the 5 July 2023 status conference.



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

Dated this 22 June 2023,
At The Hague, The Netherlands

⁷ [REDACTED].

⁸ [REDACTED].

⁹ [REDACTED].