

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **9 March 2021**

PRE-TRIAL CHAMBER II

Before: Judge Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

**SITUATION IN DARFUR, SUDAN
IN THE CASE OF
THE PROSECUTOR v. ALI MUHAMMAD ALI ABD-AL-RAHMAN
(“ALI KUSHAYB”)**

Public

With two annexes, confidential *Ex parte*, only available to the Registry

**Registry’s Addendum to the First Assessment Report and Transmission of Victim
Applications for Participation in Pre-Trial Proceedings**

Source: Registry

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

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Legal Representatives of Victims

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

Office of Public Counsel for Victims

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REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Trust Fund for Victims

I. Introduction

1. The Registry submits the present addendum to its “First Assessment Report and Transmission of Victim Applications for Participation in Pre-Trial Proceedings”¹ (“First Report”) in order to *inter alia* update Pre-Trial Chamber II (“Chamber”) on a change in legal representation of one of the applicants.

II. Classification

2. The addendum to the First Report is submitted in accordance with regulation 24bis(1) of the Regulations of the Court (“RoC”) and the two attached annexes, classified as confidential *ex parte* only available to the Registry, are submitted pursuant to regulation 23bis(1) of the RoC and in accordance with the Chamber’s “Decision establishing the principles applicable to victims’ participation and representation during the Confirmation Hearing” (First Decision).²

III. Update to the First Report

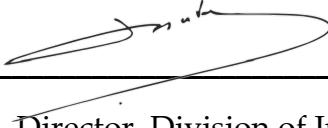
3. The Registry hereby wishes to update the Chamber on the status of legal representation of a victim applicant whose application was transmitted in the Registry’s First Report, as well as to add a page to a victim application form that was left off the original transmission in error (Annex 2).³

¹ Registry, “Registry’s First Assessment Report and Transmission of Victim Applications for Participation in Pre-Trial Proceedings”, 1 March 2021, ICC-02/05-01/20-288.

² Pre-Trial Chamber II, “Decision establishing the principles applicable to victims’ participation and representation during the Confirmation Hearing”, 18 January 2021, ICC-02/05-01/20-259, para. 34.

³ The Registry notes that the solemn undertaking for applicant a/25020/21 was left blank in the English version of the application transmitted to the Chamber in the First Report. However, the Registry is in possession of the original Arabic version where it is completed. The Registry has therefore attached again the full application as Annex 2 with the Arabic solemn undertaking attached as well as an official ICC translation in English.

4. Subsequent to the notification of the First Report, the Registry has been informed that victim applicant a/15002/18 has chosen, by way of a new power of attorney,⁴ a different lawyer from the lawyer designated in the victim application form. Applicant a/15002/18 has requested that the legal representative nominated in the victim application form, Ms Diana Constantinide, be replaced by Ms Amal Clooney.⁵ The new power of attorney is attached to the present filing as Annex 1. The Registry confirms that Ms Clooney, as well as Mr Nasser Amin,⁶ are on the ICC List of Counsel. Mindful of the Chamber's ruling appointing the Office of Public Counsel for Victims ("OPCV") to represent "the interests of applicant victims",⁷ the Victims Participation and Reparations Section has informed the OPCV accordingly.⁸



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 9 March 2021
At The Hague, The Netherlands

⁴ The above-referenced new power of attorney was received by the Victims Participation and Reparations Section ("VPRS") on 6 March 2021 by way of email correspondence from Ms Diana Constantinide. *See* Annex 1.

⁵ In a separate email correspondence received on 3 March 2021, Ms Diana Constantinide informs the VPRS that "I am currently an assistant to counsel and do not qualify to be included in the list of counsels, given that I have less than 10 years of international legal experience. Hence, the victims were given the option to choose a counsel from the list. I am pleased to inform you that the applicant [...] A 15002 18 have chosen counsel, Ms Amal Clooney."

⁶ *See* First Report, p. 6.

⁷ First Decision, Disposition, p. 15, and Pre-Trial Chamber II, "Decision supplementing the Chamber's first decision on victims' participation and representation and providing additional guidance", 5 February 2021, ICC-02/05-01/20-277, Disposition, p. 11.

⁸ Email correspondence of 8 March 2021 by the VPRS to the Principal Counsel of OPCV at 16:28.