

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/20
Date: 6 December 2021

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 142 Confidential *EX PARTE* Annexes only available to the Registry

**First Registry Transmission of Group A Applications for Victims’ Participation in
Trial Proceedings**

Source: The Registrar

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

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REGISTRY

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**Victims Participation and Reparations
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I. Introduction

1. In the present case, on 18 January 2021, the Single Judge of Pre-Trial Chamber II (“PTC”) issued a decision establishing the principles applicable to victims’ participation and representation during the Confirmation Hearing (“First Decision”).¹ In that decision, it adopted a victim application admission system whereby the Victims Participation and Reparations Section (“VPRS”) should “classify all complete applications into three categories:

Group A: Applicants who clearly qualify as victims of this case;

Group B: Applicants who clearly do not qualify as victims of this case; and

Group C: Applicants for whom the Registry could not make a clear determination” (“ABC Approach”).²

2. Additionally, the PTC ordered the VPRS to transmit “to the Chamber, on a rolling basis and in unredacted form, all complete applications” relating to “crimes allegedly committed in 2003-2004 in Western Darfur”, and to disclose to the Prosecution and the Defence all Group C applications, redacted as needed.³
3. On 19 October 2021, Trial Chamber I issued its “Decision on victims’ participation and legal representation in trial proceedings” (“Decision”), in which it *inter alia* endorsed the victim application procedure by the PTC for the trial preparation stage.⁴
4. The present filing contains the first Registry transmission of Group A victim applications for participation in trial proceedings.

¹ 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

² *Id.*, para. 34.

³ *Ibid.*

⁴ Trial Chamber I, “Decision on victims’ participation and legal representation in trial proceedings”, 19 October 2021, ICC-02/05-01/20-494, para. 15.

II. Procedural History

5. On 20 May 2021, the PTC authorised 151 applicant victims to participate in the confirmation decision.⁵
6. On 9 July 2021, the PTC issued its decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb').⁶
7. On 8 September 2021, the Chamber held the first status conference and set the start of the trial on 5 April 2022.⁷
8. On 19 October 2021, the Chamber issued the Decision.⁸

III. Classification

9. The annexes to the present submission are classified as confidential *ex parte* only available to the Registry, in accordance with the First Decision.⁹

IV. Applicable Law

10. The present transmission is submitted in accordance with article 68(1) and (3) of the Rome Statute, rules 85 to 89 and 92 of the Rules of Procedure and Evidence, regulation 86 of the Regulations of the Court, and regulations 107 to 109 of the Regulations of the Registry.

⁵ Pre-Trial Chamber II, "Decision on victim applications for participation, legal representation, leave to appeal and *amicus curiae* requests, 20 May 2021, ICC-02/05-01/20-398, para. 53.

⁶ Pre-Trial Chamber II, "Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')", 9 July 2021, ICC-02/05-01/20-433.

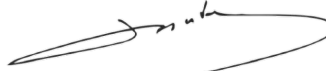
⁷ Transcript of 8 September 2021, ICC-02/05-01/20-T-013. See Trial Chamber I, "Directions on the conduct of proceedings", 4 October 2021, ICC-02/05-01/20-478, para. 4.

⁸ Trial Chamber I, "Decision on victims' participation and legal representation in trial proceedings", 19 October 2021, ICC-02/05-01/20/398, para. 15.

⁹ First Decision, para. 34.

V. Transmission

11. The VPRS hereby transmits 142 complete applications¹⁰ assessed as falling under Group A to the Chamber in unredacted form, in accordance with paragraph 34 of the First Decision.



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

Dated this 6 December 2021

At The Hague, the Netherlands

¹⁰ These include 130 applications admitted and one application rejected at the pre-trial stage of the proceedings. The latter (a/25146/21) is transmitted again in light of supplementary information received.