

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **14 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

**Public redacted version of “Report on the Status of Translation of Victims’
Applications”**

Source: The Registrar

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

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**Unrepresented Applicants
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I. Introduction

1. Pursuant to the Chamber's "Decision on the Second Registry's Request to Extend the Time Limit to Submit Victim Applications for Participation" issued on 16 May 2023 ("Decision"),¹ the Registry hereby reports on the status of translation of victims' applications for participation received in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb') ("Applications" and "Case", respectively).

II. Procedural History

2. On 9 July 2021, Pre-Trial Chamber II issued its decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb').²
3. On 19 October 2021, the Chamber issued its "Decision on victims' participation and legal representation in trial proceedings",³ in which it *inter alia* endorsed the victim application procedure previously adopted at the pre-trial stage of the proceedings.⁴
4. On 7 February 2022, the Chamber set the deadline for the submission of applications for participation in the present case at the end of the presentation of the Prosecution case.⁵

¹ Trial Chamber I, "Decision on the Second Registry's Request to Extend the Time Limit to Submit Victim Applications for Participation", 16 May 2023, ICC-02/05-01/20-943, para. 12(c).

² 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.

³ Trial Chamber I, "Decision on victims' participation and legal representation in trial proceedings", 19 October 2021, ICC-02/05-01/20-494.

⁴ *Id.*, para. 15, referring in footnote 26 to the admission system established by Pre-Trial Chamber II in its "Decision establishing the principles applicable to victims' participation and representation during the Confirmation Hearing", 18 January 2021, ICC-02/05-01/20-259 ("18 January 2021 Decision"), paras 13-20 and 34.

⁵ Transcript of hearing, 7 February 2022, ICC-02/05-01/20-T-020-Red-ENG, p. 70, line 2 to p. 71 line 6. The Chamber further indicated that victims' applications transmitted between the end of the Prosecution case and the end of the evidence in the case will not be automatically rejected, but considered on a case-by-case basis, see Transcript of hearing, 7 February 2022, ICC-02/05-01/20-T-020-Red-ENG, p. 70, lines 8-12.

5. On 22 December 2022, the Registry filed a request for an extension of time limit to submit victims' applications in the present proceedings ("First Registry's Request").⁶
6. On 9 February 2023, the Chamber granted the First Registry's Request in part by extending the deadline for submitting victims' applications in the case until the end of the CLR case,⁷ which was scheduled between 22 and 26 May 2023.⁸
7. On 5 May 2023, the Registry filed a second request for an extension of time limit to submit victims' applications in the present case ("Second Registry's Request").⁹
8. On 16 May 2023, the Chamber issued the Decision, allowing victims to submit to the Registry applications to participate in the proceedings until 7 June 2023 and ordering the Registry to report by 14 June 2023 on the status of translation of victims' applications submitted to the Registry.¹⁰

III. Classification

9. Pursuant to regulation 23*bis*(1) of the Regulations of the Court this request is classified as confidential since it contains sensitive information pertaining to the victim application process. The Registry is filing a public redacted version of the present request concomitantly.

⁶ Registry, "Registry Request for Extension of Time Limit to Submit Victim Applications for Participation", ICC-02/05-01/20-838-Conf-Exp. Confidential and public redacted versions were notified on the same day, ICC-02/05-01/20-838-Conf-Red and ICC-02/05-01/20-838-Red, respectively.

⁷ Trial Chamber I, "Decision on the Registry's request for extension of time limit to submit victims' applications for participation", 9 February 2023, ICC-02/05-01/20-868.

⁸ *Id.*, para. 19.

⁹ Registry, "Second Registry Request to Extend the Time Limit to Submit Victim Applications for Participation", 5 May 2023, ICC-02/05-01/20-929-Conf-Exp. A public redacted version was notified on the same date, ICC-02/05-01/20-929-Red.

¹⁰ *See supra*, fn.1, para. 12 a. and b.

IV. Submissions

Status of Translations of Applications

10. Approximately 400 Applications are currently being processed by the Registry and translated from Arabic to English, following which they will be assessed by the Registry's Victims Participation and Reparations Section ("VPRS") for subsequent transmission to the Chamber. All of these Applications were received by the VPRS before 7 June 2023.
11. Since August 2022, the Language Services Section of the Registry has been able to translate an average of 85 Applications per month. The Registry forecasts that this pace of translation can be maintained in the coming months for the purpose of its transmissions to the Chamber on a rolling basis.¹¹

Update on the victim applications received

12. Since the update provided in the Second Registry's Request,¹² by 7 June 2023 approximately 470 additional victims applied for participation in the Case and relevant forms were received by VPRS intermediaries in various field locations.
13. As previously reported, the deterioration of the security situation in Sudan has significantly impacted the organisation of the victim application process.¹³ As a result of difficulties related to connectivity, the VPRS intermediaries have been able to transmit to the Registry only 180 out of the 470 Applications they managed to collect by 7 June 2023. These 180 forms are part of the abovementioned 400 Applications presently with the Language Services Section for translation. 290 Applications remain [REDACTED].
14. The security situation is very dynamic and varies across the different locations of VPRS intermediaries. This affects their mobility [REDACTED]. Based on its communications with its partners on the ground and their specific [REDACTED] accesses, the VPRS thus anticipates that it will be able to retrieve another 140

¹¹ Decision, para. 12 c.

¹² See, Second Registry Request, para. 8.

¹³ See Second Registry's Request, paras 11-14.

Applications out of the remaining 290 Applications within a few weeks. The Registry is currently not able to forecast when it will be able to collect the remaining 150 Applications.

15. In light of the foregoing, the Registry requests the Chamber's exceptional authorisation to consider also the 290 Applications received by VPRS intermediaries [REDACTED] before the 7 June 2023 deadline [REDACTED], as properly submitted to the Registry pursuant to paragraph 12 a. of the Decision. It is submitted that the deterioration of the general situation in Sudan should not prejudice victims that still managed to submit their Applications in time before 7 June 2023 to a person/entity operating for the Registry [REDACTED].



Marc Dubuisson, Director, Division of Judicial Services,
on behalf of
Osvaldo Zavala Giler, Registrar

Dated this 14 June 2023
At The Hague, the Netherlands