

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/20
Date: 25 October 2024

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 Seven Confidential *EX PARTE* Annexes only available to the Registry
**Thirteenth Registry Transmission of Group A Applications for Victim
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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I. Introduction

1. On 19 October 2021, Trial Chamber I (“Chamber”) issued its “Decision on victims’ participation and legal representation in trial proceedings” (“Decision”),¹ in which it *inter alia* endorsed the victim application procedure previously adopted at the pre-trial stage of the proceedings (“Victim Application Procedure”).²
2. In compliance with the Decision, the Victims Participation and Reparations Section of the Registry (“VPRS”) shall:
 - i. classify victim applicants into three categories: (a) applicants who clearly qualify as victims (“Group A”); (b) applicants who clearly do not qualify as victims (“Group B”); and (c) applicants for whom the Registry could not make a clear determination for any reason (“Group C”) (“A-B-C Approach”), and
 - ii. 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. Accordingly, the present filing contains the Thirteenth Registry transmission of Group A victim applications for participation in trial proceedings.

II. Procedural History

4. On 9 July 2021, Pre-Trial Chamber II (“PTC”) issued its decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’) (“Confirmation Decision”).⁴

¹ Trial Chamber I, “Decision on victims’ participation and legal representation in trial proceedings”, 19 October 2021, ICC-02/05-01/20-494.

² *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.

³ 18 January 2021 Decision, para. 34.

⁴ 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.

5. On 19 October 2021, the Chamber issued the Decision, in which it adopted the Victim Application Procedure.⁵
6. Between 14 January 2022 and 14 August 2024, the Chamber has authorised the participation of 1458 victims⁶ in the trial proceedings.⁷
7. On 17 October 2024, the Registry transmitted to the Chamber 129 Group A victim applications (“Transmission”),⁸ together with an assessment report (“Report”).⁹
8. On 22 October 2024, the Registry informed the Chamber that: i) it had erroneously included in its Transmission one application which it had assessed as falling outside the scope of the case or requiring additional information;¹⁰ and ii) omitted to include seven further applications it had assessed as falling within Group A.¹¹
9. On 23 October 2024, the Chamber issued the Twelfth decision on the admission of victims to participate in trial proceedings,¹² in which it admitted 128 new participating victims in the trial proceedings and authorised the Registry to

⁵ Trial Chamber I, “Decision on victims’ participation and legal representation in trial proceedings”, 19 October 2021, ICC-02/05-01/20/494, para. 15.

⁶ The VPRS detected that two applications authorised to participate at the trial stage, namely a/25132/21 and a/10018/22, emanated from the same victim. It has therefore considered a/10018/22 as a duplicate of a/25132/21.

⁷ Trial Chamber I, “First decision on the admission of victims to participate in trial proceedings”, 14 January 2022, ICC-02/05-01/20-556; “Second decision on the admission of victims to participate in trial proceedings”, 3 October 2022, ICC-02/05-01/20-761 (“Second Decision”); “Third decision on the admission of victims to participate in trial proceedings”, 11 November 2022, ICC-02/05-01/20-817; “Fourth decision on the admission of victims to participate in trial proceedings”, 1 February 2023, ICC-02/05-01/20-861; “Fifth decision on the admission of victims to participate in trial proceedings”, 10 March 2023, ICC-02/05-01/20-901; “Sixth decision on the admission of victims to participate in trial proceedings”, 10 May 2023, ICC-02/05-01/20-933; and “Seventh decision on the admission of victims to participate in trial proceedings”, 16 August 2023, ICC-02/05-01/20-1001; “Eighth decision on the admission of victims to participate in trial proceedings”, 3 November 2023, ICC-02/05-01/20-1038 ; “Ninth decision on the admission of victims to participate in trial proceedings”, 12 March, ICC-02/05-01/20-1100; “Tenth decision on the admission of victims to participate in trial proceedings”, 6 May 2024, ICC-02/05-01/20-1120 and “Eleventh decision on the admission of victims to participate in trial proceedings”, 14 August 2024, ICC-02/05-01/20-1165.

⁸ Registry, “Twelfth Registry Transmission of Group A Applications for Victim Participation in Trial Proceedings”, 17 October 2024, ICC-02/05-01/20-1193.

⁹ Registry, “Twelfth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings”, 17 October 2024, ICC-02/05-01/20-1192. The Registry informed the Chamber that, given the stage of the proceedings, it would seek authorisation from the Chamber before transmitting any further completed Group A or Group C applications for participation, see para. 20.

¹⁰ A corrected version of the Report was filed on the same day (ICC-02/05-01/20-1192-Corr).

¹¹ Email from the Registry to Trial Chamber I on 22 October 2024 at 13:01.

¹² Trial Chamber I, “Twelfth decision on the admission of victims to participate in trial proceedings”, 23 October 2024, ICC-02/05-01/20-1197.

transmit the aforesaid additional seven applications for participation assessed as falling under Group A.

III. Classification

10. The annexes to the present submission are classified as confidential *ex parte* only available to the Registry, in accordance with the Victim Application Procedure.¹³

IV. Applicable Law

11. The Registry submits the present observations pursuant to 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.

V. Submissions

12. The VPRS hereby transmits to the Chamber aforesaid seven complete applications assessed as falling in Group A in unredacted form, in accordance with the Victim Application Procedure.¹⁴



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

Dated this 25 October 2024

At The Hague, the Netherlands

¹³ 18 January 2021 Decision, para. 34.

¹⁴ *Ibid.*