

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 March 2025

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 Document

With 36 Confidential *EX PARTE* Annexes only available to the Registry

**First Registry Transmission of Group B Applications for Victim Participation in
Trial Proceedings**

Source: Registry

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ 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

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☒ Victims Participation and
Reparations Section

☐ Other

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:
 - A. 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”),³ and
 - B. transmit complete applications to the Chamber and produce assessment reports periodically and on a rolling basis.⁴
3. Accordingly, the present filing contains the First Registry transmission of Group B victim applications for participation in trial proceedings

II. Procedural History

4. On 20 May 2021, Pre-Trial Chamber II (“PTC”) authorised 151 applicant victims to participate in the confirmation proceedings (“20 May 2021 Decision”).⁵

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 Decision, paras 15 and 16 (ix).

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. 50.

5. On 9 July 2021, PTC issued its decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb') ("Confirmation Decision").⁶
6. On 19 October 2021, the Chamber issued the Decision, in which it adopted the Victim Application Procedure.⁷
7. Between 14 January 2022 and 23 October 2024, the Chamber has authorised the participation of 1592 victims⁸ in the trial proceedings.⁹

III. Classification

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

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 Trial Chamber I, "Decision on victims' participation and legal representation in trial proceedings", 19 October 2021, ICC-02/05-01/20/494, para. 15. On 16 May 2023, the Chamber set the deadline for victims to submit to the Registry applications to participate in the proceedings to 7 June 2023, see "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(a) and (c).

⁸ The VPRS discovered that two victims authorised to participate at the trial stage had erroneously submitted two different application forms each. The VPRS therefore considered accordingly a/10018/22 as a duplicate of a/25132/21, and a/05403/23 as a duplicate of a/05073/23. As a result, while the Chamber issued positive decisions for 1594 applications, only 1592 applicants are authorized to participate in the proceedings.

⁹ 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; "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; "Eleventh decision on the admission of victims to participate in trial proceedings", 14 August 2024, ICC-02/05-01/20-1165; and "Twelfth decision on the admission of victims to participate in trial proceedings", 23 October 2024, ICC-02/05-01/20-1197.

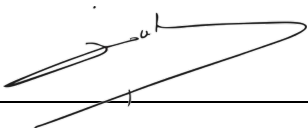
¹⁰ 18 January 2021 Decision, para. 34.

IV. Applicable Law

9. 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. Submission

10. The VPRS hereby transmits to the Chamber 36 complete applications assessed as falling in Group B in unredacted form, in accordance with the Victim Application Procedure.¹¹


A handwritten signature in black ink, consisting of a stylized 'M' and 'D', is written over a horizontal line.

Marc Dubuisson, Director, Division of Judicial Services

on behalf of

Oswaldo Zavala Giler, Registrar

Dated this 10 March 2025

At The Hague, The Netherlands

¹¹ *Ibid.*