

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-02/05-01/20

Date: 21 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

**Fourteenth decision on the admission of victims to participate in trial
proceedings**

Decision 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**
Common Legal Representative of 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

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and Reparations Section**

☐ **Other**

1. On 19 October 2021, Trial Chamber I (the ‘Chamber’) issued a decision on victims’ participation and representation in trial proceedings (the ‘Decision on Victims’ Participation’),¹ in which it adopted Pre-Trial Chamber II’s victim application process (the ‘ABC Approach’) and appointed a team of Common Legal Representatives for Victims.
2. Between 14 January 2022 and 30 October 2024, the Chamber issued 13 decisions authorising the participation of a total of 1592 victims in the trial proceedings.²
3. On 6 December 2024, the Registry informed the Chamber that two applications authorised for participation at the trial stage emanated from the same victim,³ and that it had identified translation errors in six applications which the Chamber had already authorised for participation.⁴
4. On 17 December 2024, the Registry filed corrected versions of the applications in question.⁵

¹ Decision on victims’ participation and legal representation in trial proceedings, ICC-02/05-01/20-494. *See also* Transcript of hearing, 12 November 2021, ICC-02/05-01/20-T-017-Red-ENG, p. 44, line 18 to p. 47, line 8; Decision on the Defence’s requests for leave to appeal the oral decisions on the inadmissibility of evidence and victims’ participation, 2 December 2021, ICC-02/05-01/20-525.

² First decision on the admission of victims to participate in trial proceedings, 14 January 2022, ICC-02/05-01/20-556 (the ‘First Decision on Admission of Victims’); 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, 22 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; 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 2024, 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; Twelfth decision on the admission of victims to participate in trial proceedings, 23 October 2024, ICC-02/05-01/20-1197; Thirteenth decision on the admission of victims to participate in trial proceedings, 30 October 2024, ICC-02/05-01/20-1202.

³ Email from the VPRS, at 17:34. It concerns the applications of a/05073/23 (authorised pursuant to the Sixth decision on the admission of victims to participate in trial proceedings, 10 May 2023, ICC-02/05-01/20-933) and a/05403/23 (authorised pursuant to the Eighth decision on the admission of victims to participate in trial proceedings, 3 November 2023, ICC-02/05-01/20-1038).

⁴ Email from the VPRS, at 17:34. It concerns the applications of a/10083/22, a/05004/23, a/05911/23, a/05936/23, a/05864/23 and a/05116/23.

⁵ Seventh Registry Transmission of Group A Applications for Victim Participation in Trial Proceedings, ICC-ICC-02/05-01/20-988-Conf-Exp-Anx2-Corr and ICC-ICC-02/05-01/20-988-Conf-Exp-Anx25-Corr; Ninth Registry Transmission of Group A Applications for Victim Participation in Trial Proceedings, ICC-02/05-01/20-1078-Conf-Exp-Anx117-Corr; Tenth Registry Transmission of Group A Applications for Victim Participation in Trial Proceedings, ICC-02/05-01/20-1114-Conf-Exp-Anx88-Corr, ICC-02/05-01/20-1114-Conf-Exp-Anx147-Corr and ICC-02/05-01/20-1114-Conf-Exp-Anx124-Corr.

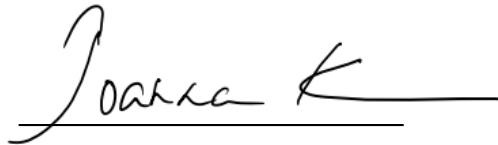
5. On 10 March 2024, the Registry transmitted 36 victims' applications from Group B,⁶ as well as an accompanying assessment report (the 'Report').⁷

Applicable law

6. The Chamber incorporates by reference the general legal framework applicable to the assessment of victims' applications.⁸

Group B applications

7. The Registry has transmitted 36 new applications which it concluded clearly do not qualify as victims in the present case⁹ and therefore fall within Group B.¹⁰ The Annex accompanying the Report further contains an overview of the reasons for rejecting each application.¹¹ The Chamber has not identified any clear, material error in the Registry's. For these reasons, the Chamber rejects the 36 new applicants identified in the Annex to participate as victims in the trial proceedings.



Judge Joanna Korner

Presiding Judge



Judge Reine Alapini-Gansou



Judge Althea Violet Alexis-Windsor

Dated this 21 March 2025

At The Hague, The Netherlands

⁶ First Registry Transmission of Group B Applications for Victim Participation in Trial Proceedings, 10 March 2025, ICC-02/05-01/20-1228, with 36 confidential *ex parte* annexes.

⁷ Fourteenth Registry Assessment Report on Victim Applications for Participation in Trial Proceedings, ICC-02/05-01/20-1229, with a confidential annex. None of the parties or participants responded to the Registry's Report.

⁸ First Decision on Admission of Victims, ICC-02/05-01/20-556, para. 4.

⁹ Report, ICC-02/05-01/20-1229, para. 16.

¹⁰ Report, ICC-02/05-01/20-1229, para. 2, *referring to* the Decision on Victims' Participation, ICC-02/05-01/20-494.

¹¹ Report, ICC-02/05-01/20-1229, para. 19.