



Original: English

No. ICC-02/05-01/20

Date: 30 June 2025

Date of original: 6 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 redacted version of

**Decision on the CLRV's Urgent Request for an Order to the Registrar to
authorise the Darfur component of a CLRV mission**

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 23 January 2025, the Common Legal Representative of Victims (the ‘CLRV’) submitted a mission plan to the Counsel Support Section of the Registry requesting, *inter alia*, authorisation for the legal aid funded [REDACTED], in order to meet and consult with the CLRV team (the ‘Darfur component’).¹
2. On 4 March 2025, following discussions between the CLRV and the Registry on the aforesaid mission plan, the Registrar issued its decision, *inter alia*, rejecting the Darfur component, but nonetheless inviting the CLRV to ‘continue to liaise with the Registry services to discuss and identify further mitigating measures that, at an appropriate time, may allow the mission to take place’ (the ‘Registrar’s Decision’).²
3. On 5 March 2025, the CLRV filed an urgent request seeking that Trial Chamber I (the ‘Chamber’), order: (i) the Registry, as immediate injunctive relief, to [REDACTED]; and (ii) to the Registrar, authorising the Darfur component (the ‘Request’).³ The CLRV underscores the urgency of her Request considering, *inter alia*, the scheduled mission departure date of the CLRV team [REDACTED] and the need for [REDACTED].⁴
4. Given the urgency of the request and the comprehensive information provided by the CLRV, the Chamber does not deem it necessary to receive any observations from the Registry on the Request.
5. Whilst the Chamber fully appreciates the CLRV’s concerns and frustrations given the timing and implications of the Registrar’s Decision,⁵ the Chamber recalls that ‘the assessment of the security situation, the issuance of JTAG recommendations for a State, the timing and

¹ Annex D to Request for Urgent Order to Registrar to authorise Darfur component of CLRV mission, ICC-02/05-01/20-1226-Conf-Exp-AnxD.

² Annex C to Request for Urgent Order to Registrar to authorise Darfur component of CLRV mission, ICC-02/05-01/20-1226-Conf-Exp-AnxC [REDACTED].

³ Request for Urgent Order to Registrar to authorise Darfur component of CLRV mission (with 11 confidential, *ex parte*, available to the CLRV only, annexes), ICC-02/05-01/20-1226-Conf-Exp. A confidential redacted version was notified on 6 March 2025, ICC-02/05-01/20-1226-Conf-Red. The Chamber notes that the CLRV withdrew the injunctive relief regarding [REDACTED], sought at paragraph 1(ii)(b) of its Request. *See* Email from the CLRV, 5 March 2025, at 17:16.

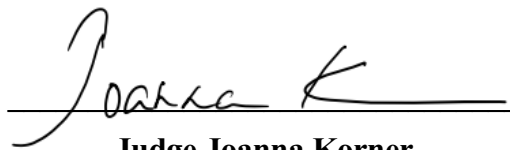
⁴ Request, ICC-02/05-01/20-1226-Conf-Exp, para. 2.

⁵ Request, ICC-02/05-01/20-1226-Conf-Exp, para. 28.

procedure of conducting such assessments, and determining the logistical and operational conditions for missions, is the prerogative of the Registry and is fully within its mandate'.⁶

6. The Chamber notes that the Registrar's Decision is based on its security assessment of the Darfur component. The Chamber further notes that, in its decision, the Registrar invited the CLRV team to engage in further discussions in order to 'identify further mitigating measures that, at an appropriate time, may allow the mission to take place'.

7. Noting that the rendering of its Article 74 judgment is not imminent, the Chamber considers that such discussions may still occur in a timely and meaningful fashion. In the circumstances, the Chamber does not find it appropriate to conduct a review of the Registrar's Decision and accordingly declines to entertain the merits of the Request pursuant to its broad powers under Article 64(6)(f) of the Rome Statute. This notwithstanding, the Chamber invites the CLRV and the Registry to continue their efforts to identify solutions for the intended CLRV mission.



Judge Joanna Korner

Presiding Judge



Judge Reine Alapini-Gansou



Judge Althea Violet Alexis-Windsor

Dated this 30 June 2025

At The Hague, The Netherlands

⁶ Decision on the Defence's Request for postponement of the presentation of its case, 17 April 2023, ICC-02/05-01/20-916-Conf-Exp, para. 36. Confidential and public redacted versions were notified on the same date, ICC-02/05-01/20-916-Conf-Red and ICC-02/05-01/20-916-Red, respectively.