



Original: English

No. ICC-02/05-01/20

Date: 6 October 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

Decision on the sentencing procedure

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 6 October 2025, the Chamber delivered its judgment pursuant to Article 74 of the Rome Statute (the ‘Statute’), convicting Mr Abd-Al-Rahman of a number of crimes against humanity and war crimes (‘Article 74 Judgment’).¹
2. Pursuant to Article 76(1) of the Statute, the Chamber shall at this point proceed to consider the appropriate sentence to be imposed on the convicted person. In doing so, and in accordance with this provision, the Chamber shall take into account the evidence presented and submissions made during the trial that are relevant to the sentence. In addition, the Chamber finds it appropriate for the parties and participants to make further submissions and to have an opportunity to submit additional evidence relevant to the sentence.
3. Accordingly, and having considered the period of time available for the parties and participants’ preparation between the closing statements and the issuance of the Article 74 judgment, the Chamber sets out the following timetable.
4. The parties and participants shall file by **20 October 2025** any request to present additional evidence. These filings shall include:
 - a) For any proposed *viva voce* witness: (i) identity; (ii) the topics on which the witness is expected to testify; (iii) estimated length of examination; (iv) a copy of any prior recorded testimony to be introduced pursuant to Rule 68(3) of the Rules of Procedure and Evidence (the ‘Rules’) with the corresponding request; (v) a motivated request should any protective measure be warranted; and (vi) an indication of the witness’s availability to appear on the dates anticipated below and the prospective use of video-link.
 - b) For any proposed witnesses to be introduced pursuant to Rule 68(2) of the Rules: (i) a copy of any prior recorded testimony sought to be introduced with the corresponding request under Rule 68(2) of the Rules; (ii) an indication of the need, if any, for the

¹ Trial Judgment, ICC-02/05-01/20-1240.

identity of the witness to remain confidential; and (iii) proposed arrangement for the obtention of accompanying declarations under this provision.

- c) For non-testimonial evidence: (i) a copy of, or hyperlink to, the material to be submitted; and (ii) an indication on the material's relevance and probative value.

5. These requests to submit evidence shall also indicate how the proposed evidence relates to the factors to be considered in the determination of the sentence under Article 78 of the Statute and Rule 145 of the Rules. Given the abundance of evidence of potential relevance to the sentence already on the record, as well as the Chamber's relevant findings in its Article 74 Judgment, the Chamber expects that any additional evidence, especially *viva voce* witnesses, will be very limited. The Chamber accordingly emphasises that it may intervene in the selection and presentation of evidence in order to ensure the fair and expeditious conduct of the sentencing proceedings.

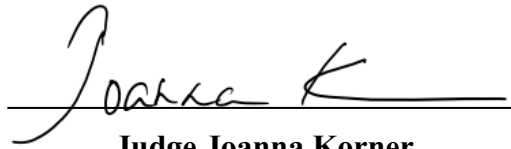
6. Responses to these requests shall be filed by **27 October 2025**. The responses should address any issue related to the relevance or admissibility of the evidence proposed to be submitted,

7. Moreover, the parties and participants may file written submissions relevant to the sentence by **3 November 2025**. The submissions shall include any argument they wish to raise on the factors to be considered by the Chamber pursuant to Article 78 of the Statute and Rule 145 of the Rules, including on any mitigating or aggravating circumstances.

8. Pursuant to Article 76(2) of the Statute, the Chamber informs the parties and participants that the hearing to receive any additional evidence will be scheduled in the week of **17-21 November 2025**. During this hearing, the parties and participants will also be given the opportunity to respond orally to the written submissions and also reply orally (if authorised by the Chamber). No subsequent written or oral submissions will be allowed thereafter.²

² While a more precise schedule of the hearing will be rendered in due course, the Chamber also anticipates that in case *viva voce* witnesses give evidence during the hearing, it is minded to foresee a break of one calendar day before hearing the oral submissions relevant to the sentence; this is in order for such submissions to be prepared taking full account of any oral evidence obtained at the hearing itself.

9. The Chamber will subsequently retire to deliberate and a hearing will be scheduled in due course to deliver in open court the Chamber's decision pursuant to Article 76 of the Statute.



Judge Joanna Korner

Presiding Judge



Judge Reine Alapini-Gansou



Judge Althea Violet Alexis-Windsor

Dated this 6 October 2025

At The Hague, The Netherlands