

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-01/20
Date: 12 November 2025

TRIAL CHAMBER I

Before: Judge Joanna Korner, Presiding Judge
Judge Reine Alapini-Gansou
Judge Althea Violet Alexis-Windsor

SITUATION IN DAFUR, SUDAN

**IN THE CASE OF
THE PROSECUTOR *v.* ALI MUHAMMAD ALI ABD-AL-RAHMAN (“ALI
KUSHAYB”)**

PUBLIC

With Public Redacted Annex

Public Redacted Version of “Registry’s Observations on “Defence Request to Present Additional Evidence for Sentencing”, 20 October 2025 (ICC-02/05-01/20-1243-Conf)”, filed on 27 October 2025, ICC-02/05-01/20-1247-Conf

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. Following the “Defence Request to Present Additional Evidence for Sentencing”, dated 20 October 2025 (“Request”)¹, on 21 and 23 October 2025, Trial Chamber I (“Chamber”) instructed the Registry to provide observations on the Request and “to submit a report on Mr Abd-Al-Rahman’s behaviour in detention by way of filing by Monday 27 October 2025”.² In accordance with the Chamber’s instructions, the Registry hereby submits its observations on the Request and submits, in the Annex, the report on Mr Abd-Al-Rahman’s behaviour in detention at the ICC Detention Centre (“ICC DC”).

II. Procedural History

2. On 6 October 2025, the Chamber delivered its judgement pursuant to Article 74 of the Rome Statute and found Mr Ali Muhammad Ali Abd-Al-Rahman (“Mr Abd-Al-Rahman”) guilty of 27 counts of crimes against humanity and war crimes.³
3. On the same day, 6 October 2025, the Chamber issued its “Decision on the sentencing procedure” instructing, *inter alia*, that the parties and participants shall file by 20 October 2025 any request to present additional evidence relevant to the sentence, and that any response to these requests shall be filed by 27 October 2025. The Chamber informed the parties and participants that the hearing to receive any additional evidence is scheduled in the week of 17-21 November 2025.⁴

¹ Defence for Mr Abd-Al-Rahman, “Defence Request to Present Additional Evidence for Sentencing” (“Request”), 20 October 2025, ICC-02/05-01/20-1243-Conf-Exp.

² Email from the Trial Chamber I to the Registry on 21 October 2025 at 12:06; Email from the Trial Chamber I to the Registry on 23 October 2025 at 13:16.

³ Trial Chamber I, “Trial Judgement”, 6 October 2025, ICC-02/05-01/20-1240.

⁴ Trial Chamber I, “Decision on the sentencing procedure”, 6 October 2025, ICC-02/05-01/20-1241, paras. 4,6 and 8.

4. On 20 October 2025, the Defence for Mr Abd-Al-Rahman ("Defence") submitted its Request and requested the Chamber to, *inter alia*, "grant requested protective measures for new Defence witnesses D-0040 and D-0041", "issue instructions to the [Detention Section] in relation to the additional medical investigations recommended by [REDACTED]", and "instruct the [Detention Section] to provide a report on Mr. Abd-Al-Rahman's behaviour in detention".⁵ Additionally, the Defence requested the Chamber that D-16 testify [REDACTED].⁶
5. On 21 October 2025, the Chamber instructed the Registry to provide observations on the Defence's Request by 27 October 2025.⁷
6. On 23 October 2025, the Chamber, "noting the Defence's submissions at paras. 30-31 of its Request [...]", further instructed the Registry "to submit a report on Mr Abd-Al-Rahman's behaviour in detention by way of filing by Monday 27 October 2025, COB".⁸

III. Classification

7. In accordance with regulation 23 *bis*(1) and (2) of the Regulations of the Court ("RoC"), the present report is classified as confidential as it refers to submissions of the same classification level and contains confidential medical information of a detained person. In accordance with regulation 23 *bis*(1) of the RoC, the Annex is classified confidential *EX PARTE* only available to the Registry and the Defence as it contains personal information from the detention records of a detained person.

⁵ Defence for Mr Abd-Al-Rahman, Request, para. 32.

⁶ Defence for Mr Abd-Al-Rahman, Request, para. 15.

⁷ Email from the Trial Chamber I to the Registry on 21 October 2025 at 12:06.

⁸ Email from the Trial Chamber I to the Registry on 23 October 2025 at 13:16.

IV. Applicable law

8. For the purpose of the present submission, the Registry has considered, *inter alia*, rules 17 (2) (b) (ii), 42 (1) and [REDACTED] of the Rules of Procedure and Evidence (“Rules”), regulation 103 of the RoC and regulations 155, 156 and 157 of the Regulations of the Registry (“RoR”).

V. Submissions

9. The Registry provides its observations on the following: (i) Victim and Witnesses Unit’s (“VWU” or “Unit”) observations on the request relating to protection measures for two new witnesses and the potential appearance of one witness and (ii) the medical matters raised in the Request. The Registry submits, in the Annex, its report on Mr Abd-Al-Rahman’s behaviour in detention at the ICC DC.

(i) *Victims and Witnesses Unit Observations*

10. In relation to the Defence’s Request for protection measures to be granted for Defence witnesses D-0040 and D-0041,⁹ the [REDACTED] and that their prior recorded testimonies were sought to be introduced pursuant to rule 68(2) (b) of the Rules. Therefore, the VWU supports any measure that protect their identities in order to reduce the security risk that may emanate from their interactions with the Court.
11. In relation to the Defence’s request for D-0016 to testify [REDACTED] between 18 and 21 November 2025,¹⁰ the Registry hereby informs the Chamber that it stands ready to facilitate such testimony. [REDACTED],¹¹ [REDACTED].

⁹ Defence for Mr Abd-Al-Rahman, Request, para. 32 (ii).

¹⁰ Defence for Mr Abd-Al-Rahman, Request, para. 15.

¹¹ [REDACTED].

(ii) *Medical Matters Raised in the Request*

12. At the outset, the Registry recalls that, pursuant to regulation 155 of the RoR, the ICC Detention Centre Medical Officer (“MO”) “shall have responsibility for the physical and mental health of detained persons”, and that “decisions of a medical nature may only be taken by the medical officer or other medical staff designated by him or her”.¹²

13. On 10 October 2025, following a request from the Defence pursuant to regulation 157 of the RoR, [REDACTED] (“External Medical Practitioner”) visited Mr Abd-Al-Rahman at the ICC DC.

14. [REDACTED],¹³ [REDACTED].

15. The Registry recalls regulation 157(9) of the RoR, which states that

[a]ny treatment or medication recommended by an external medical practitioner shall be administered solely by the medical officer or his or her deputy. The medical officer may refuse to administer any such treatment or medication prescribed by the external medical practitioner if in his or her opinion its effect will be detrimental to the welfare of the detained person. In such circumstances the medical officer shall immediately inform the detained person, the Registrar and the Chief Custody Officer in writing of the reasons for his or her decision.

16. [REDACTED].

17. The Defence requests the Chamber “to issue instructions to the [Detention Section] in relation to the additional medical investigations recommended by [the External Medical Expert]”.¹⁴ The Registry recalls that, pursuant to Regulation 155 of the RoR, the MO is the primary physician of Mr Abd al Rahman. A detained person can request to be visited by an external medical practitioner pursuant to regulation 157 of the RoR, and the MO retains the overall responsibility for the medical care of ICC detained persons, as the

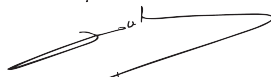
¹² Regulation 155(1) and (2) of the Regulations of the Registry

¹³ Email from the Registry to the Defence on [REDACTED].

¹⁴ Defence for Mr Abd-Al-Rahman, Request, para. 32 (iii).

treating physician, and following the established principle of equivalency of care which is enshrined in international medical ethics of detention environments. The planning of medical tests and examinations requires appropriate time, a clear medical purpose, consideration of the host State's available services and waiting lists, and reasoning is discussed directly between doctor and patient.

18. Should the MO consider that further testing or evaluation should be carried out, the MO will inform Mr Abd-Al-Rahman accordingly, and the required exams will be carried out. The Registry and the MO will follow regulation 157(9) of the RoR in this regard.



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

Dated this 12 November 2025

At The Hague, Netherlands