



Original: English

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

Date: 23 January 2026

THE APPEALS CHAMBER

Before: Judge Erdenebalsuren Damdin, Presiding
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Keebong Paek

SITUATION IN DARFUR, SUDAN

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

Public document

Decision on the modalities of victim participation

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**

☐ **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**

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Ali Muhammad Ali Abd-Al-Rahman against the decision of Trial Chamber I entitled “Trial Judgment” of 6 October 2025 (ICC-02/05-01/20-1240),

Renders, pursuant to article 68(3) of the Statute and regulation 86(8) of the Regulations of the Court, the following

DECISION

1. The legal representatives of victims may file observations on Mr Ali Muhammad Ali Abd-Al-Rahman’s appeal brief within 60 days of notification of the same.
2. The observations referred to in the preceding paragraph shall not exceed 70 pages.
3. The Defence of Mr Ali Muhammad Ali Abd-Al-Rahman and the Deputy Prosecutor may respond to the above-mentioned observations in the manner and within the time limit to be set by the Appeals Chamber in due course.

REASONS

1. The purpose of the present decision is to regulate the participation of victims in the appeal proceedings brought by Mr Ali Muhammad Ali Abd-Al-Rahman (hereinafter: “Mr Abd-Al-Rahman”)¹ against the decision of Trial Chamber I entitled “Trial Judgment” of 6 October 2025, by which Mr Abd-Al-Rahman was convicted of war crimes and crimes against humanity (hereinafter: “Impugned Decision”).²
2. Under article 68(3) of the Statute, “[w]here the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial”. In the proceedings at hand, and consistent with its

¹ [Defence Notice of Appeal Pursuant to Article 81\(1\)\(b\) of the Rome Statute](#), 6 November 2025, ICC-02/05-01/20-1261.

² [Trial Judgment](#), ICC-02/05-01/20-1240 with public Annexes [A](#), [C](#) and [D](#) and confidential [Annex B](#) (a public redacted version was filed on the same day, ICC-02/05-01/20-1240-AnxB-Red).

previous jurisprudence,³ the Appeals Chamber considers that victims who were authorised to participate during the trial may, in principle, participate in the appeal raised against the Impugned Decision.

3. During the trial, 1591 victims were authorised to participate in the proceedings, through one team of legal representatives.⁴ The Appeals Chamber considers that participating victims may make submissions on procedural matters in the present proceedings, for instance by filing a response to any document, pursuant to regulation 24(2) of the Regulations of the Court (hereinafter: “Regulations”).⁵ The Appeals Chamber further considers that regarding substantive matters on appeal, the legal representatives may file observations on behalf of the victims participating in the proceedings within the same time limit within which the respondent is required to file its response. The time limit for responses to the appeal brief, in accordance with regulation 59(1) of the Regulations, is 60 days. The Appeals Chamber recalls that it has extended the time limit for the filing of the appeal brief to 30 January 2026.⁶

4. Moreover, considering the issues on appeal, as well as the fact that a page extension by 80 pages for the appeal brief and the response thereto has been granted to the Defence and the Deputy Prosecutor respectively,⁷ the Appeals Chamber deems it appropriate to allow the legal representatives to file observations on the appeal brief, which shall not exceed 70 pages.

³ Appeals Chamber, *The Prosecutor v. Dominic Ongwen*, [Decision on the modalities of victim participation](#), 11 June 2021, ICC-02/04-01/15-1859 (A) (hereinafter: “Ongwen Decision”), para. 4. See also Appeals Chamber, *The Prosecutor v. Alfred Yekatom and Patrice-Édouard Ngaïssona*, [Decision on the modalities of victim participation](#), 10 December 2025, ICC-01/14-01/18-2859 (A A2 A3) (hereinafter: “Yekatom and Ngaïssona Decision”), para. 2.

⁴ [Annex A](#) to the Impugned Decision, para. 14, referring to [Decision on victims’ participation and legal representation in trial proceedings](#), 19 October 2021, ICC-02/05-01/20-494; [Decision on the Defence’s request for reconsideration of the Decision on victims’ participation](#), 29 September 2022, ICC-02/05-01/20-759; [Decision on the Defence’s request for leave to appeal the Decision on the Defence’s request for reconsideration of the Decision on victims’ participation](#), 24 October 2022, ICC-02/05-01/20-774. See also [Annex A](#) to the Impugned Decision, fn 36 and references therein.

⁵ See e.g. [Yekatom and Ngaïssona Decision](#), para. 4.

⁶ See [Decision on the “Application for Extension of Time to File the Defence Appeal Brief”](#), 15 December 2025, ICC-02/05-01/20-1285 (A). See also [Decision on the “Application for Further Extension of Time Limit to submit the Defence Appeal Brief pursuant to Regulation 35\(2\) of the Regulations of the Court”](#), 22 December 2025, ICC-02/05-01/20-1288 (A).

⁷ [Decision on the “Defence Application under Regulation 37\(2\) of the Regulations of the Court”](#), 21 January 2026, ICC-02/05-01/20-1297.

5. Furthermore, the Appeals Chamber considers it appropriate in the context of final appeals to always afford the appellant and the respondent an opportunity to respond to the victims' observations, either orally or in writing.⁸ Thus, the Appeals Chamber will permit the Defence of Mr Abd-Al-Rahman and the Deputy Prosecutor to respond to the victims' observations, in a manner and within the time limit to be set by the Appeals Chamber in due course.

Done in both English and French, the English version being authoritative.



Judge Erdenebalsuren Damdin
Presiding

Dated this 23rd day of January 2026

At The Hague, The Netherlands

⁸ See [Ongwen Decision](#), para. 6. See also [Yekatom and Ngaïssona Decision](#), para. 4.