

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: **ICC-02/05-01/20**
Date: **29 June 2026**

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
with Confidential Annex A**

**Public Redacted Version of Submission of Detention Centre Medical Officer
Report, and Request for Witness Summons, 11 November 2025, ICC-02/05-01/20-
1264-Conf**

Source: Defence for Mr Ali Muhammad Ali Abd-Al-Rahman

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

Mr Zavala Giler, Osvaldo

☒ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☒ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☐ **Other**

I. INTRODUCTION

1. The Defence for Mr Ali Muhammad Ali Abd-Al-Rahman hereby transmits a report from the Medical Officer of the ICC Detention Centre ("Medical Officer").¹

2. The Defence also requests that the Trial Chamber authorise the appearance of the Medical Officer at a convenient time during the sentencing proceedings, currently scheduled for 17, 18 and possibly 19 November 2025, and issue a witness summons to ensure her appearance pursuant to Article 64(6)(b) of the Rome Statute.

II. CLASSIFICATION

3. These submissions are classified as confidential pursuant to Regulation 23*bis* of the Regulations of the Court ("RoC") because they contain information that is confidential. A public redacted version of this request will be filed in due course.

III. SUBMISSIONS

4. On 10 October 2025, [REDACTED] instructed by the Defence, [REDACTED], [REDACTED] .

5. On Friday, 17 October 2025, [REDACTED] [REDACTED]. [REDACTED].

6. [REDACTED].

7. [REDACTED].

8. On Tuesday, 21 October 2025 [REDACTED].²

9. By email reply sent the same day, the Defence was advised that the Medical Officer "[REDACTED]".³

10. A further email was sent on 21 October 2025 to the Acting Chief Custody Officer ("Acting CCO") of the Detention Centre in which the following was requested:

[REDACTED].⁴

¹ Confidential Annex A.

² Email to Detention Centre Legal Officer, 21 October 2025, 16:54.

³ Email from Detention Centre Legal Officer, 21 October 2025, 17:10.

⁴ [REDACTED].

11. Nothing further was heard from the Medical Officer or the Detention Centre. On Thursday, 30 October 2025, the Defence sent [REDACTED] to the Acting CCO, attached to an email stating the following:

[REDACTED].

[REDACTED].

[REDACTED].⁵

12. [REDACTED].⁶

13. [REDACTED].⁷ [REDACTED].

14. On 31 October 2025, without copying the Defence, the Medical Officer wrote a letter to the Registrar and the Director DJS, [REDACTED].⁸ [REDACTED].

15. On Friday, 7 November 2025, having heard nothing from the Detention Centre and the Medical Officer, the Defence wrote again to the Acting CCO in the following terms:

Just following up on this: could you please send me an email address at which we can contact the Medical Officer directly?

In the meantime, we really need to have an update on the following:

[REDACTED]

This information is crucial for [REDACTED]sentencing proceedings.

Could you please let me as a matter of urgency?⁹

16. A Detention Centre Legal Officer responded on the same day:

[REDACTED].¹⁰

⁵ Email to Acting CCO, 30 October 2025, 12:47.

⁶ [REDACTED].

⁷ [REDACTED].

⁸ Confidential Annex A.

⁹ Email to Acting CCO, 7 November 2025, 16:22.

¹⁰ [REDACTED].

17. On Monday, 10 November 2025, after its conference with Mr Abd-Al-Rahman, the Defence wrote again to the Detention Centre:

[REDACTED].

[REDACTED].

[REDACTED].

Please also transmit the following request to [REDACTED] to allow us to better understand her letter of 31 October:

1. [REDACTED]
2. [REDACTED]
3. Please advise when [REDACTED]. We reiterate that time is of the essence. It will be important to have as much information as possible to share with the Trial Chamber ahead of the next hearing on 17 November.

This matter is urgent. Your cooperation is appreciated.¹¹

18. Today at 16:53, an emailed response was received from the Acting CCO:

[REDACTED].

[REDACTED].

[REDACTED].

19. The Medical Officer has unreasonably decided to ignore the recommendations of [REDACTED] to arrange a [REDACTED]. Open-source information indicates that the Medical Officer is an experienced [REDACTED], but there is nothing to suggest [REDACTED].¹²

20. Information about [REDACTED] is important for sentencing, albeit the Defence acknowledges that the information will not be available for oral submissions next week. Nevertheless, it is perfectly conceivable that, with a minimum of effort, such evidence will be available in time for the Defence, OTP and LRV to make additional

¹¹ Email to Detention Centre Legal Officer, 10 November 2025, 13:31.

¹² [REDACTED].

written submissions thereon before the Trial Chamber delivers its sentencing judgment.

21. The Defence does not accept the correctness of the Medical Officer's non-expert conclusion that [REDACTED],¹³ [REDACTED]. [REDACTED].

22. The Defence will, very shortly, request that the Trial Chamber direct the Medical Officer [REDACTED]. But first – both in order to adduce the evidence required, and as a matter of fairness to her – the Defence needs to question the Medical Officer under oath about her non-expert assessment. The Trial Chamber may also wish to avail itself of the opportunity to ask its own questions.

23. Given the impossibility of the Defence to engage with the Medical Officer directly, despite the Defence's (multiple) attempts to obtain her contact details, [REDACTED], it is reasonable to conclude that she will not voluntarily attend Court to answer questions about her conclusions.

24. It is therefore submitted that the Trial Chamber's intervention is required to (i) authorise the calling of the Medical Officer at a convenient time during the sentencing proceedings scheduled for 17-19 November 2025, and (ii) issue a witness summons to ensure her appearance pursuant to Article 64(6)(b) of the Rome Statute in light of the fact that she will not cooperate with the Defence and appear voluntarily.

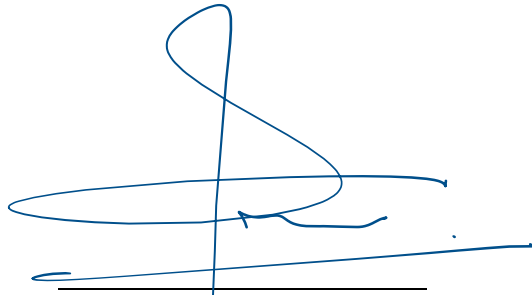
RELIEF SOUGHT

25. For the foregoing reasons, the Trial Chamber is respectfully requested to:

- (i) Accept the Medical Officer's report;
- (ii) Authorise the Medical Officer's appearance at a convenient time during the sentencing proceedings scheduled for 17-19 November 2025; and
- (iii) issue a witness summons to ensure the Medical Officer's appearance pursuant to Article 64(6)(b) of the Rome Statute.

¹³ [REDACTED].

Respectfully submitted,



Mr Cyril Laucci
Counsel for Mr Ali Muhammad Ali Abd-Al-Rahman

Dated this 29 June 2026

At The Hague, The Netherlands.