

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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TRIAL CHAMBER I

Before: Judge Joanna Korner, Presiding Judge
Judge Reine Adélaïde Sophie 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

Public redacted version of 'Applications for the resumption of actions by the family members of deceased victims a/10292/22, a/10137/22, a/10229/22, a/25075/21, a/10432/22, a/10475/22, a/10163/22, and a/10482/22', 30 June 2025 (ICC-02/05-01/20-1102-Conf)

Source: Common Legal Representative of Victims

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 Section

☐ Detention Section

☒ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. The Common Legal Representative of Victims ("CLR") hereby informs Trial Chamber I ("the Chamber") of the death of the following 8 participating victims: **a/10292/22, a/10137/22, a/10229/22, a/25075/21, a/10432/22, a/10475/22, a/10163/22, and a/10482/22.**
2. The CLR further informs the Chamber that family members of 7 of those deceased victims have been consulted and all wish to resume the respective action that was initiated by their deceased relatives under the same applicable conditions, including protective measures ("Resumption of action application"). The CLR is still in the process of locating family members of deceased victim **a/10482/22** and requests guidance from the Chamber as to the necessary steps to follow in this specific case.
3. The CLR consequently requests the Chamber to grant the authorisation for the family members of the deceased victims to participate as successors in the present proceedings.
4. The CLR also respectfully requests the Chamber to adopt a general procedure of transmission of the resumption of actions for the future of the proceedings, similar to the framework adopted in previous cases.

II. Confidentiality

5. Pursuant to regulation 23bis(1) of the Regulations of the Court, this filing and attached annexes are submitted as confidential *ex parte*, only available to the CLR and the Registry, since it contains confidential information pertaining to victims and their family members not to be disclosed to the Prosecution and the Defence. A confidential and public redacted versions will be filed in due course.

III. Background

6. On 20 May 2021, the Single Judge of Pre-Trial Chamber II ruled on victims' applications and admitted **a/25075/21** as participating victim at the confirmation of

charges hearing and the related proceedings.¹

7. On 14 January 2021, the Chamber admitted victim **a/25075/21** to participate in the trial proceedings, in the First decision on the admission of victims to participate in trial proceedings.²
8. On 22 November 2022, the Chamber admitted victims **a/10137/22** and **a/10163/22** to participate in the trial proceedings, in the Third decision on the admission of victims to participate in trial proceedings.³
9. On 1 February 2023, the Chamber admitted victims **a/10229/22** and **a/10432/22** to participate in the trial proceedings, in the Fourth decision on the admission of victims to participate in trial proceedings.⁴
10. On 10 October 2023, the Chamber admitted victims **a/10292/22**, **a/10482/22** and **a/10475/22** to participate in the trial proceedings, in the Fifth decision on the admission of victims to participate in trial proceedings.⁵

IV. Applicable law

11. Pursuant to Article 68 of the Rome Statute, Rules 85(a) and 89 of the Rules of Procedure and Evidence and Regulation 86 of the Regulations of the Court, various Chambers have authorised designated individuals, under certain conditions, to resume the actions initiated by deceased victims on their behalf. It is well established jurisprudence of the Court that “**close relatives** of a victim authorised to participate who is now deceased may decide to continue the action initiated by the victim before the Court”.⁶ It has also been recognised that “any **closely-**

¹ ICC-02/05-01/20-398.

² ICC-02/05-01/20-556-Anx.

³ ICC-02/05-01/20-817-Anx.

⁴ ICC-02/05-01/20-861-Anx.

⁵ ICC-02/05-01/20-901-Anx.

⁶ *The Prosecutor v. Katanga*, Decision on the applications to resume action submitted by the family members of deceased Victims a/0025/08, a/0051/08, a/0197/08 and a/0311/09 ICC-01/04-01/07-3018, para. 20, referring to the “Motifs de la deuxième décision relative aux demandes de participation de victimes à la procédure”, ICC-01/04-01/07-1737, para. 30. *The Prosecutor v. Katanga*, Decision on the application to resume action, submitted by a family member of deceased Victim a/0253/09, ICC-01/04-01/07-3383-tENG, para. 6; *The Prosecutor v. Katanga*, Decision on the applications for resumption of action

connected individual, such as a close relative of a participating victim who is now deceased, may seek leave to continue the action”.⁷ Therefore, family members or closely-connected individuals have been found eligible to apply on behalf of their deceased relatives to resume an action before this Court. This approach is necessary considering the length of proceedings and may apply both to participation in the trial and later in the reparations phase.⁸

12. However, successors have mostly exercised this right to resume an action “within the limits of the views and concerns expressed by the victim in his or her initial application”.⁹ As a consequence, the applications for resumption of action do not

submitted by the family members of deceased victims a/0170/08 and a/0294/09, ICC-01/04-01/07-3547-tENG, para. 6; *The Prosecutor v. Katanga*, Decision on the applications for resumption of action lodged by the family members of deceased victims a/0015/09, a/0032/08, a/0057/08, a/0166/09, a/0192/08, a/0225/09, a/0281/08, a/0282/09, a/0286/09, a/0298/09, a/0354/09, a/0361/09, a/0391/09, a/2743/10 and a/30490/15, ICC-01/04-01/07-3691-tENG, para. 7.

⁷ *The Prosecutor v. Ongwen*, Decision on LRV Request Concerning the Deaths of Participating Victims, ICC-02/04-01/15-962, para. 3; *The Prosecutor v. Gbagbo*, Decision on the resumption of action applications, ICC-02/11-01/15-1052, para. 11, *The Prosecutor v. Bosco Ntaganda*, Fourth decision on victims' participation in trial proceedings, 1 September 2015, ICC-01/04-02/06-805 and Seventh decision on victims' participation in trial proceedings, 1 July 2016, ICC-01/04-02/06-1427 ; *The Prosecutor v. Bemba*, Decision on "Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées", 24 March 2016, ICC-01/05-01/08- 3346 and Second decision on applications for resumption of actions initiated by deceased victims, 29 August 2017, ICC-01/05-01/08-3558; *The Prosecutor v. Al Mahdi*, Decision on LRV Request for Resumption of Action for Deceased Victim a/35084/16, 2 June 2017, ICC-01/12-01/15-223; *The Prosecutor v. Ongwen*, Decision on LRV Request Concerning the Deaths of Participating Victims, 30 August 2017, ICC-02/04-01/15-962, *The Prosecutor v. Katanga*, Motifs de la deuxième décision relative aux demandes de participation de victimes à la procédure, 22 December 2009, ICC-01/04-01/07-1737; *ad* Décision relative à la demande de reprise d'instance introduite par un proche de la victime décédée a/0265/09 et de désignation d'un nouveau mandataire pour représenter la victime a/0071/08, 12 December 2016, ICC-01/04-01/07-3721.

⁸ *The Prosecutor v. Bemba*, Decision on "Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées", ICC-01/05-01/08-3346, para. 22 ; *The Prosecutor v. Katanga*, Decision on the Application for Resumption of Action brought by family members of deceased Victim a/0273/09, ICC-01/04-01/07-3896 ; and *The Prosecutor v. Katanga*, Decision on the Application for Resumption of Action brought by family members of deceased victim a/0195/08, 9 November 2021, ICC-01/04-01/07-3891, para.5.

⁹ *The Prosecutor v. Katanga*, Decision on the applications to resume action submitted by the family members of deceased Victims a/0025/08, a/0051/08, a/0197/08 and a/0311/09, ICC-01/04-01/07-3018-tENG; “Motifs de la deuxième décision relative aux demandes de participation de victimes à la procédure”, ICC-01/04-01/07-1737, para. 30. “Decision on the application to resume action, submitted by a family member of deceased Victim a/0253/09”, ICC-01/04-01/07-3383-tENG, para. 6; and the “Decision on the applications for resumption of action submitted by the family members of deceased victims a/0170/08 and a/0294/09”, ICC-01/04-01/07-3547-tENG, 11 May 2015, para. 6; “Décision relative à la demande de reprise d’instance introduite par un proche de la victime décédée a/0265/09 et de désignation d’un nouveau mandataire pour représenter la victime a/0071/08”, ICC-01/04-01/07-3721,

constitute a new application.

13. Finally, for a Trial Chamber to authorise a successor to resume an action initiated by a deceased victim, the applicant must submit proof to fulfil the following three conditions : 1) the death of the victim that was authorised to participate in the proceedings; 2) the kinship of the proposed successor with the deceased victim; and 3) the authorisation of the successor to continue the deceased victim's action.¹⁰

V. Submissions

14. The CLRV hereby informs the Chamber of the willingness of the family members of the following 7 deceased victims **a/10292/22, a/10137/22, a/10229/22, a/25075/21, a/10432/22, a/10475/22, a/10163/22, and a/10482/22**, to resume the action of their respective deceased relatives, under the same conditions applied to the initial victims.
15. The CLRV have, despite many obstacles encountered on the field, collected supporting documents for each deceased victim (but for one) to prove: i) the death of the victim participating in the proceedings; ii) the relationship between the deceased victim and the successor; and iii) the mandate authorising the successor to continue the deceased victim's action.
16. With regard to the third requirement, Trial Chamber II requested the production of a "specific mandate" by the deceased victim's family in order to authorise the resumption of the action initiated by the deceased person, entailing an explicit and specific statement from the victim's family designating an individual to be mandated to resume the action.¹¹ This decision was issued in 2011, at an early stage

para. 7 ; *The Prosecutor v. Gbagbo*, Decision on the resumption of action application, ICC-02/11-01/15-1052, para. 14.

¹⁰ *The Prosecutor v. Gbagbo*, Redacted version of the applications for the resumption of action by the family members of deceased victims a/20116/12, 20136/12, a/20147/12, a/20163/12, a/10228/14 and a/10260/14, ICC02/11-01/15-994-red, para. 27 ; *The Prosecutor v Gbagbo*, Decision on the resumption of action applications, ICC-02/11-01/15-1052, paras. 5, 12.

¹¹ *The Prosecutor v. Katanga*, Decision on the applications to resume action submitted by the family members of deceased Victims a/0025/08, a/0051/08, a/0197/08 and a/0311/09, ICC-01/04-01/07-3018-tENG, para. 23, requiring a "statement from the deceased victim's family specifically mandating a person to continue the action initiated by the victim before the Court".

of the development of the jurisprudence on victims participation in proceedings before this Court, and in the context of this specific case. Nevertheless, Trial Chamber III departed from this “specific mandate” condition and ruled that the ‘mandate requirement’ is case-specific and can be informed, for instance, by domestic law.¹² Trial Chamber VI also interpreted the ‘mandate requirement’ in a notably flexible manner, and considered that “where there is a spousal relationship between the deceased victim and the person willing to act on his or her behalf, such as in the present case, no formal mandate may be required.”¹³

17. To obtain such a document expressing the intention of a family to designate a successor requires the family of the deceased victim to gather. Considering the security situation – according to information provided by CLVR experienced Darfur-based field assistant, gatherings represent a high degree of risk in Darfur since the new outbreak of the conflict in 2023¹⁴– and the fact that victims’ families are often spread across various refugee and IDP camps within the territory of Tchad and Darfur, holding such family gatherings is virtually impossible or simply unsafe. The CLRV thus submits that it is in the interest of justice and to ensure an effective participation of victims that the ‘mandate requirement’ be flexibly interpreted and in light of the prevailing security situation in the case at hand.

18. Here, the close relatives of the deceased victims have expressed their willingness to resume the action initiated by their deceased relatives. This is clearly indicated by the fact that they have provided supporting documentation in this regard.

19. Furthermore, the CLVR have consulted with community leaders where the deceased victims were located, i.e. with the *Oumdas* (also spelled *Umdahs* or *Omdas*), in the village [REDACTED] and IDP camps in Darfur as well as with the *Sheikhs*, when the *Oumdas* were not available (in 2 cases indicated below). As per the

¹² *The Prosecutor v. Jean-Pierre Bemba*, “Decision on ‘Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées’”, ICC-01/05-01/08-3346, para. 31.

¹³ *The Prosecutor v. Ntaganda*, Fourth decision on victims’ participation in trial proceedings, ICC-01/04-02/06-805, para. 11.

¹⁴ Video meeting between the CLRV team and the Darfur-based field assistant, confirming this information on 20 May 2025.

evidence presented at trial, the *Oumdas* occupy a significant place in the village hierarchy and accordingly bear considerable moral authority in their societies.¹⁵ Indeed, the *Oumdas* are responsible for overseeing a group of villages or a cluster of family clans within a broader tribal confederation, whereas *Sheikhs* occupy a lower rank in native administration, guiding village units (10–40 households) and reporting directly to *Oumdas*.¹⁶ Their authority derives from traditional norms, tribal identity, and community recognition. They function as local ‘magistrate’, in that they mediate disputes involving, *inter alia*, land, marriage, cattle, and inter-communal tensions.¹⁷ Despite the prevailing situation of internal displacement, many displaced communities continue to recognize their *Oumdas* and *Sheikhs* as the local authorities, even without formal territorial control.¹⁸

20. Considering the status and the role of the *Oumdas* and the *Sheikhs* in Darfur culture, their approval of the person designated to resume the action initiated by each of the deceased victims is of significance and can be considered as constituting an implicit agreement within the community. Therefore, the CLRV submits that the fact that the supporting documents of each application are signed by the *Oumdas* or *Sheikhs* of the respective communities of the deceased victim, together with the fact that the relatives of the deceased victim have expressed their willingness to resume the actions initiated by their deceased relative, satisfy the ‘mandate requirement’.

21. With regard to the first and second conditions, the CLRV notes that when

¹⁵ DAR-OTP-P-1042 : ICC-02/05-01/20-T-027-ENG ET WT, p. 55, lines 13-20; ICC-02/05-01/20-T-028-ENG, p. 36, line 24 – p. 37, line 3.

¹⁶ CLRV Trial Brief, ICC-02/05-01/20-914-Corr2-Red, paras. 68-74; CLRV Final Trial Brief, ICC-02/05-01/20-1208-Conf, para. 340; See also Jérôme Tubiana, Victor Tanner, and Musa Adam Abdul-Jalil, *Traditional Authorities’ Peacemaking Role in Darfur* (United States Institute of Peace, 2012), <https://www.files.ethz.ch/isn/155469/PW83.pdf>, p. 5.

¹⁷ UN Sudan West Darfur Peacebuilding Assessment: El Geneina, Kereinik, and Beida Localities (June 2021), <https://sudan.un.org/sites/default/files/2022-05/West%20Darfur%20Peacebuilding%20Assessment%20-%20June%202021.pdf>, p. 8, 11, 18; CHR. Michelsen Institute, *Developing Darfur: A Recovery & Reconstruction Strategy* (2013), <https://www.cmi.no/file/2320-Darfur-Development-Strategy-6-3-13.pdf>; Alex de Waal, *The Conflict in Darfur, Sudan: Background and Overview* (Fletcher School of Law and Diplomacy, Tufts University, February 2022), <https://worldpeacefoundation.org/wp-content/uploads/2024/04/AdW-expert-witness-statement-DF-for-ICC.pdf>, p. 23-24.

¹⁸ Video meetings with clients and communications with CLRV field assistants and intermediaries.

applicants are not in a position to produce an official document, such as a death certificate and/or a certificate of kinship, the presentation of any other document allowing them to ascertain the truthfulness of the information contained in the document is sufficient to establish the said information.¹⁹ The CLRV have used an official ICC document providing the relevant information, which has then been certified by the *Oumdas* or *Sheikhs* of the respective communities of the deceased victim. As explained above, *Oumdas* or *Sheikhs* are traditionally regarded as having the necessary authority to certify such documents, assuming functions that are comparable to a quasi-governmental entity or magistrate.

22. The CLRV also requests that the same protective measures applied to the deceased victims – non-disclosure of the identity and place of residence *vis-à-vis* the public and the parties – be also granted to the successors. It is consistent practice by previous Trial Chambers.²⁰ The security situation in Darfur is critical and successors have expressed security concerns that warrant the same protective measures granted to their deceased relatives.

1. *Applications to resume the action initiated by deceased participating victims*

a. Victim a/10292/22

23. Victim a/10292/22 was authorised to participate in the current proceedings.²¹ Victim a/10292/22's [REDACTED] seeks the Chamber's leave to resume the action initiated by [REDACTED] within the limits of the views and concerns raised by the latter in [REDACTED] application. As mentioned in the proof of kinship and the victim's application provided as a supporting document to this particular application, Victim a/10292/22 [REDACTED] and [REDACTED] during the

¹⁹ *The Prosecutor v. Katanga*, Decision on the Application for Resumption of Action brought by family members of deceased Victim a/0273/09, ICC-01/04-01/07-3896, para. 7.

²⁰ *The Prosecutor v. Gbagbo*, Redacted version of the applications for the resumption of action by the family members of deceased victims a/20116/12, 20136/12, a/20147/12, a/20163/12, a/10228/14 and a/10260/14, ICC-02/11-01/15-994-Red, para. 51, "the protective measures granted to victims authorised to participate in the proceedings also apply to persons authorised to participate on behalf of deceased victims".

²¹ ICC-02/05-01/20-901, Fifth decision on the admission of victims to participate in trial proceedings.

conflict.

24. To this aim, victim a/10292/22's [REDACTED] submits the following documents²²:

- The victim application form (English version);
- An official document establishing the identity of the deceased victim;
- A death certificate, signed by the community leader (*Oumda*);
- A document establishing the identity of the applicant which also attests the kinship of the applicant, signed by the community leader (*Oumda*);
- A document establishing the identity of the applicant.

25. The family member also expressed [REDACTED] wish to the CLRV to continue the action [REDACTED] initiated in relation to the damages suffered and described in the later victim's application.

b. Victim a/10137/22

26. Victim a/10137/22 was authorised to participate in the current proceedings.²³

Victim a/10137/22's [REDACTED] seeks the Chamber's leave to resume the action initiated by [REDACTED] within the limits of the views and concerns raised by the latter in [REDACTED] application.

27. To this aim, victim a/10137/22's [REDACTED] submits the following documents²⁴:

- The victim application form (English version);
- An official document establishing the identity of the deceased victim;
- A death certificate, signed by the community leader (*Sheikh*);
- A document establishing the identity of the applicant which also attests the kinship of the applicant, signed by the community leader (*Sheikh*).
- An official document establishing the identity of the applicant.

28. The family member also expressed [REDACTED] wish to the CLRV to continue the action [REDACTED] initiated in relation to the damages suffered and described in the later victim's application.

²² Annex 1.

²³ ICC-02/05-01/20-817, Third decision on the admission of victims to participate in trial proceedings.

²⁴ Annex 2.

c. Victim a/10229/22

29. Victim a/10229/22 was authorised to participate in the current proceedings.²⁵

Victim a/10229/22's [REDACTED] seeks the Chamber's leave to resume the action initiated by [REDACTED] within the limits of the views and concerns raised by the latter in [REDACTED] application.

30. To this aim, victim a/10229/22's [REDACTED] submits the following documents²⁶:

- The victim application form (English version);
- An official document establishing the identity of the deceased victim;
- A death certificate, signed by the community leader (*Oumda*);
- A document establishing the identity of the deceased victim;
- A document establishing the identity of the applicant which also attests the kinship of the applicant, signed by the community leader (*Oumda*);
- A document attesting of the identity of the applicant.

31. The family member also expressed [REDACTED] wish to the CLRV to continue the action [REDACTED] initiated in relation to the damages suffered and described in the later victim's application.

d. Victim a/25075/21

32. Victim a/25075/21 was authorised to participate in the current proceedings.²⁷

Victim a/25075/21's [REDACTED] seeks the Chamber's leave to resume the action initiated by [REDACTED] within the limits of the views and concerns raised by the latter in [REDACTED] application.

33. To this aim, victim a/25075/21's [REDACTED] submits the following documents²⁸:

- The victim application form (English version);
- An official document establishing the identity of the deceased victim;

²⁵ ICC-02/05-01/20-861, Fourth decision on the admission of victims to participate in trial proceedings.

²⁶ Annex 3.

²⁷ ICC-02/05-01/20-1197, Twelfth decision on the admission of victims to participate in trial proceedings.

²⁸ Annex 4.

- A death certificate, signed by the community leader (*Oumda*);
- A document establishing the identity of the applicant which also attests the kinship of the applicant, signed by the community leader (*Oumda*);
- An official proof of vaccination of the applicant to establish [REDACTED] identity (only official identification document available at the moment).

34. The family member also expressed [REDACTED] wish to the CLRV to continue the action [REDACTED] initiated in relation to the damages suffered and described in the later victim's application.

e. Victim a/10432/22

35. Victim a/10432/22 was authorised to participate in the current proceedings.²⁹ Victim a/10432/22's [REDACTED] seeks the Chamber's leave to resume the action initiated by [REDACTED] within the limits of the views and concerns raised by the latter in [REDACTED] application. Victim a/10432/22 explained in [REDACTED] victim's application that [REDACTED] during the conflict, the successor is [REDACTED].

36. To this aim, victim a/10432/22's [REDACTED] submits the following documents³⁰:

- The victim application form (English version);
- An official document establishing the identity of the deceased victim;
- A death certificate, signed by the community leader (*Oumda*);
- A document attesting the kinship between the applicant and the deceased victim, signed by the community leader (*Oumda*);
- An official document establishing the identification of the applicant.

37. The family member also expressed [REDACTED] wish to the CLRV to continue the action [REDACTED] initiated in relation to the damages suffered and described in the later victim's application.

f. Victim a/10475/22

²⁹ ICC-02/05-01/20-861, Fourth decision on the admission of victims to participate in trial proceedings.

³⁰ Annex 5.

38. Victim a/10475/22 was authorised to participate in the current proceedings.³¹

Victim a/10475/22's [REDACTED] seeks the Chamber's leave to resume the action initiated by [REDACTED] within the limits of the views and concerns raised by the latter in [REDACTED] application. Victim a/10475/22 [REDACTED] during the conflict.

39. To this aim, victim a/10475/22's [REDACTED] submits the following documents³²:

- The victim application form (English version);
- An official document establishing the identity of the deceased victim;
- A death certificate, signed by the community leader (*Sheikh*);
- A document establishing the identity of the applicant which also attests the kinship of the applicant, signed by the community leader (*Sheikh*);
- An official document establishing the identification of the applicant.

40. The family member also expressed [REDACTED] wish to the CLRV to continue the action [REDACTED] initiated in relation to the damages suffered and described in the later victim's application.

g. Victim a/10163/22

41. Victim a/10163/22 was authorised to participate in the current proceedings.³³

Victim a/10163/22's [REDACTED] seeks the Chamber's leave to resume the action initiated by [REDACTED] within the limits of the views and concerns raised by the latter in [REDACTED] application.

42. To this aim, victim a/10163/22's [REDACTED] submits the following documents³⁴:

- The victim application form (English version);
- An official document establishing the identity of the deceased victim;
- A death certificate, signed by the community leader (*Oumda*);
- A document establishing the identity of the applicant which also attests the

³¹ ICC-02/05-01/20-901, Fifth decision on the admission of victims to participate in trial proceedings.

³² Annex 6.

³³ ICC-02/05-01/20-817, Third decision on the admission of victims to participate in trial proceedings.

³⁴ Annex 7.

kinship of the applicant, signed by the community leader (*Oumda*);

- An official document establishing the identification of the applicant.

43. The family member also expressed [REDACTED] wish to the CLRV to continue the action [REDACTED] initiated in relation to the damages suffered and described in the later victim's application.

h. Victim a/10482/22

44. The CLRV team have received information on 14 January 2025 from the Prosecution team that the dual status individual a/10482/22 was [REDACTED]. [REDACTED]. The CLRV field assistant is currently in the process of locating community leaders responsible for this individual and who may be able to obtain further information.

45. Considering the current security situation in the region, the CLRV team is expecting to face this challenge again in the upcoming months. Bearing this in mind, the CLRV respectfully seeks the guidance of the Chamber with regard to the necessary documents to support future application for resumption of action in the event the necessary supporting documents cannot be obtained or that the CLRV team is not in a position to easily locate a family member willing to continue the action initiated by the deceased victim.

2. Request for a general procedure for the submissions of future applications of resumption of actions

46. The CLRV respectfully requests the Chamber to adopt a general procedure for the submission of future applications of resumption of action, like the procedure that was adopted in previous cases.

47. In the *Ongwen* case, followed by the *Gbagbo* case, Trial Chambers ruled that the appropriate procedure should allow for parties to provide their observations in relation to future resumption of action applications, while simplifying the procedure going forward. The Trial Chambers thus implemented the following

framework:

- a. When a participating victim dies, the LRV is to inform the Victims Participation and Reparations Section ("VPRS"). The VPRS is then to amend the consolidated list of participating victims accordingly. The VPRS need not formally file an updated list each time an amendment is required, but an updated consolidated list must be so filed at least twice per calendar year until the conclusion of the proceedings before this Chamber.
- b. Resumption of action applications, including the necessary supporting materials, must be provided to the VPRS. The VPRS is then to transmit them to the Chamber and, at the same time, to the parties. Redactions may be applied to the versions transmitted as necessary.
- c. The time limit for any specific objections to the resumption of action is set at 14 days from notification of the relevant application(s).
- d. In case any objection is raised, the Chamber will assess the contested application and rule accordingly. Conversely, and unless otherwise ordered, when no objection is raised the resumption of action is granted.
- e. Any granted resumption of action must be reflected in the updated list specified in point (i) above.³⁵

48. Assuming that the Chamber considers this procedure appropriate, the CLRV sees no point in departing from this established practice. Considering the high number of victims and given the fact that the proceedings are likely to continue for some time, the CLRV submits that the adoption of this procedure is warranted to expedite the proceedings and ensure an effective and meaningful participation of victims in the course of the remaining phases of proceedings.

49. With regard to the collection of future applications, the CLRV notes that it will make use of the "Resumption of Action Form" template developed by the Registry in the *Ntaganda* and *Bemba* cases, in order to facilitate and standardize the applications.³⁶

3. *This request is submitted at the earliest opportunity*

³⁵ *The Prosecutor v Gbagbo*, Decision on the resumption of action applications, ICC-02/11-01/15-1052, para. 17; *The Prosecutor v. Ongwen*, Decision on the LRV Request concerning the Deaths of Participating Victims, ICC-02/04-01/15-962, para.4.

³⁶ *The Prosecutor v Bemba*, "Annex B: Decision on 'Requête relative à la reprise des actions introduites devant la Cour par des victimes décédées'", ICC-01/05-01/08-3346-AnxB ; *The Prosecutor v Ntaganda*, "Fourth decision on victims' participation in trial proceedings", ICC-01/04-02/06-80.

50. This request is submitted at the earliest opportunity considering the prevailing security situation in Darfur and the difficulties encountered in gathering official documents since the outbreak of the recent civil war. Every deceased participating victims passed after the end of 2023 – beginning of 2024, which coincides with the beginning of the current conflict in Sudan.

51. To conclude, the passing of several participating victims is a concrete illustration of the consequences of the length of the proceedings, and the CLRV wishes to stress again the need for expedited proceedings to ensure meaningful participation and reparations for the victims of the conflict that took place in Darfur in 2003 and 2004.

RELIEF SOUGHT

52. For the reasons above, the CLRV respectfully requests the Trial Chamber to:

- i. **AUTHORISE** the successors of victims **a/10137/22, a/10229/22, a/10292/22, a/10432/22, a/25075/21, a/10163/22, a/10475/22** and the successor of **a/10482/22** who is still to be identified to resume the action initiated before the Court by their respective deceased relatives;
- ii. **ORDER** to maintain the anonymity of the deceased victims in relation to the parties and the public;
- iii. **ORDER** the non-disclosure of the identity and place of residence of the successors in relation to the parties and the public; and
- iv. **ADOPT** the general procedure established in the *Ongwen* case and the *Gbagbo* case, as per paragraph 47.

Respectfully submitted,



Natalie v. Wistinghausen
Common Legal Representative of Victims

Dated this 16 July 2026

At Berlin, Germany