

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 August 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

**Corrected version of "Redacted version of 'Summons to Appear for [REDACTED]',
11 November 2025, ICC-02/05-01/20-1263-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

Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☒ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

I. Introduction

1. The present summons to appear before Trial Chamber I (“Chamber”), at date and location as indicated hereinafter, is addressed to [REDACTED] in the case *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘*Ali Kushayb*’) (ICC-02/05-01/20) on the basis of article 64(6)(b) of the Rome Statute (“Statute”) and rule 68(3) of the Rules of Procedure and Evidence (“Rules”), in execution of a decision issued by the Chamber on 7 November 2025 (“Decision”).¹

II. Classification

2. Pursuant to regulation 23bis (1) and (2) of the Regulations of the Court, the present document is filed as confidential as it refers to the documents with the same level of classification and as it contains the information about a witness.

III. Context of the summons to appear

3. On 6 October 2025, the Chamber, issued its judgment pursuant to Article 74 of the Rome Statute, convicting Mr Ali Muhammad Ali Abd-Al-Rahman (“Mr Abd-Al-Rahman”) on 27 counts of war crimes and crimes against humanity.² On that same date, the Chamber issued an order scheduling a sentencing hearing on 17-21 November 2025.³
4. On 20 October 2025, the Defence of Mr Abd-Al-Rahman requested the submission of [REDACTED] evidence pursuant to rule 68(3) of the Rules (“Defence Request”).⁴
5. On 27 October 2025, the Office of the Prosecutor (“Prosecution”) and the Common Legal Representative for Victims (“CLRV”) responded to the Defence

¹ Trial Chamber I, “Urgent decision issuing a summons to appear for [REDACTED]”. 7 November 2025, ICC-02/05-01/20-1262-Conf.

² Trial Chamber I, “Trial Judgment”, 6 October 2025, ICC-02/05-01/20-1240.

³ Trial Chamber I, “Decision on the sentencing procedure”, 6 October 2025, ICC-02/05-01/20-1241.

⁴ Defence, “Defence request to submit prior recorded testimony of witnesses pursuant to Rule 68(2)(b) and Rule 68(3) for sentencing”, 20 October 2025, ICC-02/05-01/20-1244-Conf and ICC-02/05-01/20-1244-Red

Request. The Prosecution opposed the request,⁵ while the CLRV deferred to the Chamber's discretion as to the admission of [REDACTED] evidence.⁶

6. On 7 November 2025, the Chamber issued the Decision, in which it summoned [REDACTED] to appear for the purposes of testimony via video-link from [REDACTED].⁷ The Chamber instructed the Registry to prepare and transmit forthwith, in consultation with the Defence, the necessary summons to [REDACTED], informing [REDACTED] of the obligation to appear and serving the summons upon the witness (by electronic means if necessary).

THE REGISTRAR OF THE INTERNATIONAL CRIMINAL COURT

HEREBY ORDERS [REDACTED] to appear to before Trial Chamber I as a witness in the case *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* via video link in accordance with the following time and location to testify, or to show good cause why this summons to appear (subpoena) cannot be complied with:

- i) **Date and time:**

[REDACTED].

- ii) **Location:**

[REDACTED]
[REDACTED].

HEREBY INFORMS [REDACTED] of the following:

- The date(s) and the time of the hearing, at which your presence is required, may be subject to change; however, the present summons to appear (subpoena) remains in force notwithstanding any such changes. If any changes are made to

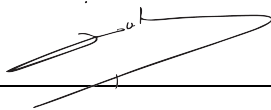
⁵ Prosecution, "Prosecution's response to Defence requests for the submission of additional evidence and submission of testimony of witnesses pursuant to rule 68(2)(b) and rule 68(3) for sentencing", 27 October 2025, ICC-02/05-01/20-1248-Conf.

⁶ Common Legal Representative of Victims, "CLRV Response to the 'Confidential Redacted Version of the Defence Request to Present Additional Evidence for Sentencing (ICC-02/05-01/20-1243-Conf)'", 27 October 2025, ICC-02/05-01/20-1249-Conf.

⁷ Trial Chamber I, "Urgent decision issuing a summons to appear for [REDACTED]", 7 November 2025, ICC-02/05-01/20-1262-Conf.

the date(s) or time of the hearing, [REDACTED] will be communicated accordingly by Victims and Witness Unit (“VWU”).

- In accordance with the Decision, the refusal on part of [REDACTED] to comply with this summons to appear would constitute a misconduct under rule 171 of the Rules. Accordingly, the Chamber imposed a fine of 500 euros, for each day the witness decides not to appear before the Chamber [REDACTED], when [REDACTED] is scheduled to testify. In this regard, the Chamber instructed the VWU to retain any pending payments to [REDACTED] in order to enforce this order.⁸



Marc Dubuisson, Director, Division of Judicial Services

on behalf of

Oswaldo Zavala Giler, Registrar

Dated this 28 August 2026

At The Hague, The Netherlands

⁸ Trial Chamber I, “Urgent decision issuing a summons to appear for [REDACTED]”, 7 November 2025, ICC-02/05-01/20-1262-Conf, para. 12.