



Original: English

**No. ICC-02/05-01/20
Date: 16 August 2021**

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

Order scheduling first status conference

To be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor
Karim A.A. Khan

Counsel for the Defence
Cyril Laucci

Legal Representatives of Victims
Amal Clooney
Nasser Mohamed Amin Abdalla

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims
Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar
Peter Lewis

Counsel Support Section

Victims and Witnesses Unit
Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**
Philipp Ambach

Other

TRIAL CHAMBER I (‘Chamber’) of the International Criminal Court (‘Court’), in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘*Ali Kushayb*’) (‘*Abd-Al-Rahman* case’), having regard to Article 64(2) and (3) of the Rome Statute (the ‘Statute’), Rule 132(1) of the Rules of Procedure and Evidence (the ‘Rules’) and Regulation 54 of the Regulations of the Court (the ‘Regulations’), issues this order scheduling first status conference.

1. To facilitate the preparation of the first status conference and to enable the Chamber to set the trial date, the Chamber seeks submissions from the parties and participants on the following items:

- A. Commencement date of the trial.

- B. Anticipated evidence. This item is primarily addressed to the Prosecution. The Defence is not obliged to provide this information at this time unless it wishes to do so.

- (1) Estimated number of witnesses to be called and number of hours of in-court testimony;

- (2) Use of expert witnesses;

- (3) Testimony given by audio or video link;

- (4) Estimated volume of documentary and other non-testimonial evidence to be relied upon at trial;

- (5) Use of Rule 68 of the Rules.

- C. Agreed facts under Rule 69 of the Rules.

- D. Languages to be used by the parties, participants, and the witnesses the parties intend to call.

- E. Disclosure of outstanding material in the Prosecution’s possession and related issues:

- (1) Whether the Prosecution’s investigations are still ongoing;

- (2) Timing and volume of disclosure of outstanding evidence pursuant to Article 67(2) of the Statute and Rules 76 and 77 of the Rules;

- (3) Transcription and translation issues;
- (4) Protective measures of witnesses (including additional need for redactions, delayed disclosure or referrals to the Court's witness protection programme);
- (5) Disclosure of witnesses' identities which have been withheld from the Defence;
- (6) Disclosure of material obtained pursuant to Article 54(3)(e) of the Statute.

F. Disclosure by the Defence, including whether the Defence intends to advance a defence in accordance with Rules 79 and 80 of the Rules.

G. Provision of trial briefs.

H. Motions requiring resolution prior to the commencement of trial.

I. Estimated length of opening statements.

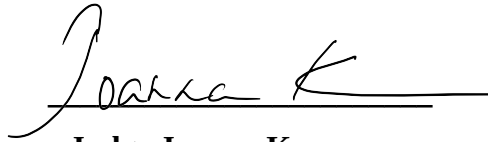
J. Update and forecast on (additional) applications by victims to participate in the proceedings.

2. The Registry is ordered to make submissions on items D., E. (4) and J.
3. The parties and participants may express their wish to add further agenda items to the list and indicate whether parts of the status conference should be held *ex parte*.
4. Should the parties and participants be of the view that any matters ought to be resolved before the status conference, they should bring these to the Chamber's attention promptly.
5. Pursuant to Rule 132(1) of the Rules, the Chamber sets 8 September 2021 as the date for the first status conference.

FOR THESE REASONS, THE CHAMBER HEREBY

CONVENES a status conference on 8 September 2021;

ORDERS the parties to provide submissions as set out above, by 1 September 2021.



Judge Joanna Korner

Presiding Judge



Judge Reine Alapini-Gansou



Judge Althea Violet Alexis-Windsor

Dated this 16 August 2021

At The Hague, The Netherlands