

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-02/05-01/20
Date: 15 October 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

**Decision on Defence Submission on Missions in Sudan, ICC-02/05-01/20-485-
Conf**

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
Ms Natalie von Wistinghausen
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

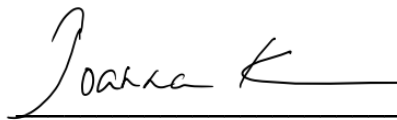
Victims and Witnesses Unit
Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**
Philipp Ambach

Other

1. On 15 September 2021, in light of submissions made in the context of the first status conference and the upcoming Registry missions to Sudan, Trial Chamber I (the ‘Chamber’) instructed ‘the Registry to submit a report on cooperation with Sudan, including from a legal and operational viewpoint, no later than 22 October 2021’. The parties and participants will have the opportunity to file any observations thereto by 29 October 2021.¹
2. Despite the abovementioned timeline, the Defence, on 8 October 2021, and again on 12 October 2021, made identical submissions on what it argues are urgent matters related to the above subject matter.²
3. In light of the above, the Chamber considers the Defence’s submissions to be premature.
4. Without prejudice to any determination to be made by the Chamber in due course, it is for the Registry to assess whether a situation country is generally safe. The decision of whether or not to go on mission or carry any investigative steps is for Defence counsel alone.
5. For the above reasons, the Chamber makes no order.



Judge Joanna Korner
Presiding Judge



Judge Reine Alapini-Gansou



Judge Althea Violet Alexis-Windsor

Dated this 15 October 2021

At The Hague, The Netherlands

¹ Email instructions from the Chamber to the Registry, parties and participants, 15 September 2021 at 09:22.

² *Observations de la Défense en relation avec la sécurité des témoins, des victimes et des autres personnes à risque du fait des activités de la Cour, y compris son personnel, au Soudan*, ICC-02/05-01/20-481-Conf, the public version of the document was notified on 13 October 2021, ICC-02/05-01/20-481-Red; *Requête aux fins de mesures urgentes visant à préserver la sécurité des témoins, des victimes et des autres personnes à risque du fait des activités de la Cour, y compris son personnel, au Soudan*, ICC-02/05-01/20-485-Conf, the public version of the document was notified on 13 October 2021, ICC-02/05-01/20-485-Red.