

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 12 July 2022

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

**Notification to the Defence of Applications for Reparations pursuant to Rule 94(2)
of the Rules of Procedure and Evidence**

Source: Registry

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

The Office of the Prosecutor

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Legal Representatives of the Victims

Ms Natalie von Wistinghausen
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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of the Public Counsel for Victims

The Office of the Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. Introduction

1. In compliance with Trial Chamber I's guidance conveyed by email on 17 June 2022 ("Chamber" and "Guidance"),¹ the Registry hereby notifies the Defence of reparations requests received in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")* ("Case").

II. Procedural History

2. During the status conference held on 23 March 2022, at the occasion of a discussion of Registry notifications of the receipt of reparation requests pursuant to rule 94(2) of the Rules of Procedure and Evidence ("RPE"),² the Chamber indicated that it "will urge both the Registry and the Victims to give [the Defence] the information to which [it is] entitled as soon as possible".³
3. On 16 June 2022, the Victims Participation and Reparation Section of the Registry ("VPRS") sought the Chamber's guidance in relation to the implementation of Rule 94(2) of the RPE.⁴
4. On 17 June 2022, the Chamber authorised the VPRS to notify the Defence of reparations requests by providing relevant information pertaining to applications for reparations received in the Case.⁵

III. Applicable Law

5. The present notification is submitted in accordance with the Chamber's Guidance and pursuant to rule 94(2) of the RPE and regulation 88(2) of the Regulations of the Court.

¹ Email from the Chamber to VPRS of 17 June 2022 at 14.42..

² Transcript of 23 March 2022, ICC-02/05-01/20-T-025-CONF-ENG ET, pp. 3 to 12.

³ *Id.*, p. 12, lines 3-4.

⁴ Email from VPRS to the Chamber of 16 June 2022 at 10:11.

⁵ See fn. 1 *supra*..

IV. Submissions

6. The Registry has presently received and assessed 194 applications for reparations which may fall within the scope of the present case (“Applications”).⁶ This includes applications for participation and reparations already submitted to and accepted, for the purpose of participation in the proceedings, by the Chamber;⁷ applications for participation and reparations the Registry intends to file in its next transmission of group A applications; as well as applications related to the case but for which additional information is currently being sought.
7. The information contained in the following paragraphs is extracted from the Applications. It provides an overview of the applicants’ profile (A) and the type of reparations measures desired (B).

A. Overview of applicants’ profiles

8. Of the aforementioned 194 Applications:
- 78 applicants report that they suffered from crimes charged in Deleig between 5 and 7 March 2004 (“Deleig events”);⁸
 - 56 applicants declare that they suffered from crimes charged in Mukjar between the end of February 2004 and the beginning of March 2004 (“Mukjar events”);⁹
 - 25 applicants allege that they suffered from crimes charged in the context of the attacks in Kodoom between 15 and 16 August 2003 (“Kodoom events”);¹⁰ and

⁶ The Registry has received 24 additional applications for reparations which are currently being registered.

⁷ Pre-Trial Chamber II, “Decision regarding the Registry’s First Assessment Report, legal representation, and the victims’ procedural position”, 19 March 2021, ICC-02/05-01/20-314, para. 22; and Pre-Trial Chamber II, “Decision on victim applications for participation, legal representation, leave to appeal and amicus curiae requests”, 20 May 2021, ICC-02/05-01/20-398, para. 30.

⁸ Pre-Trial Chamber II, “Decision on the confirmation of charges against Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)” (“Confirmation Decision”), 9 July 2021, ICC-02/05-01/20-433 paras. 106-114.

⁹ *Ibid*, paras. 97-105.

- 35 applicants report that they suffered from crimes charged in the context of the attacks in Bindisi between 15 and 16 August 2003 (“Bindisi events”).¹¹

9. The following chart provides an overview of the applicants for reparations including their gender, age category and the events during which they suffered harm (i.e. whether they suffered harm related to the charged crimes in Bindisi, Kodoom, Mukjar or Deleig).

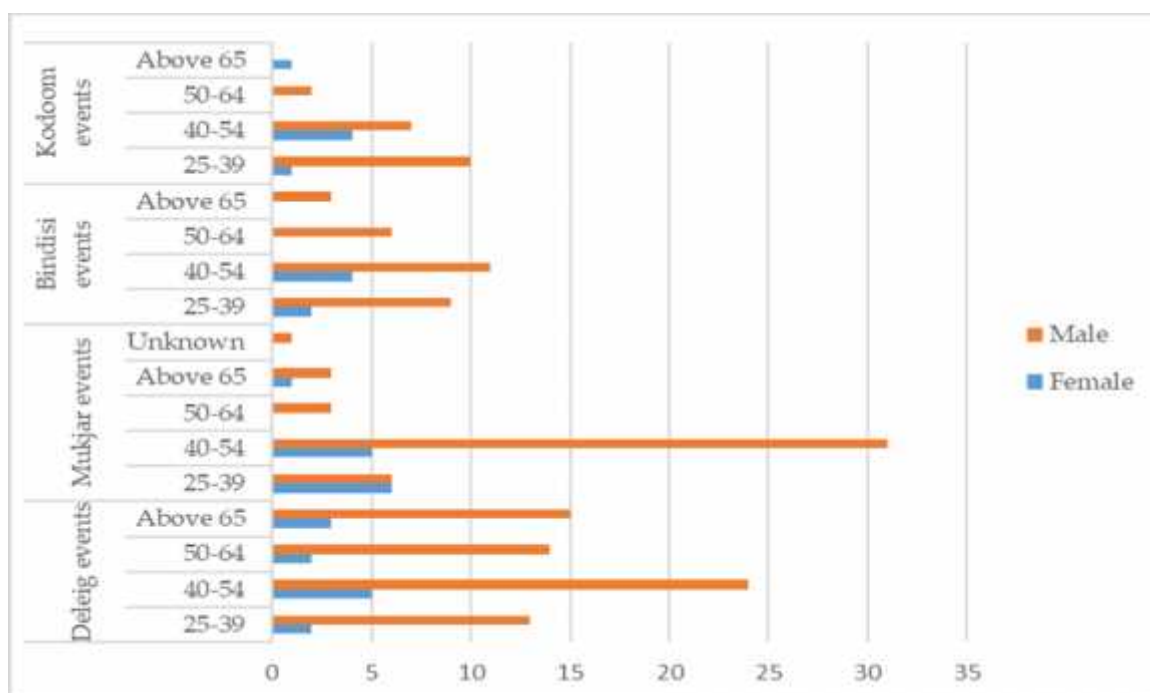


Figure 1

B. Types of reparation measures desired

10. Information conveyed by applicants in their application forms on currently desired reparations is presented in the below charts.¹²

¹⁰ Confirmation Decision, paras. 86-96.

¹¹ *Ibid.*

¹² The Registry notes that the application form allows for the request of multiple reparation measures.

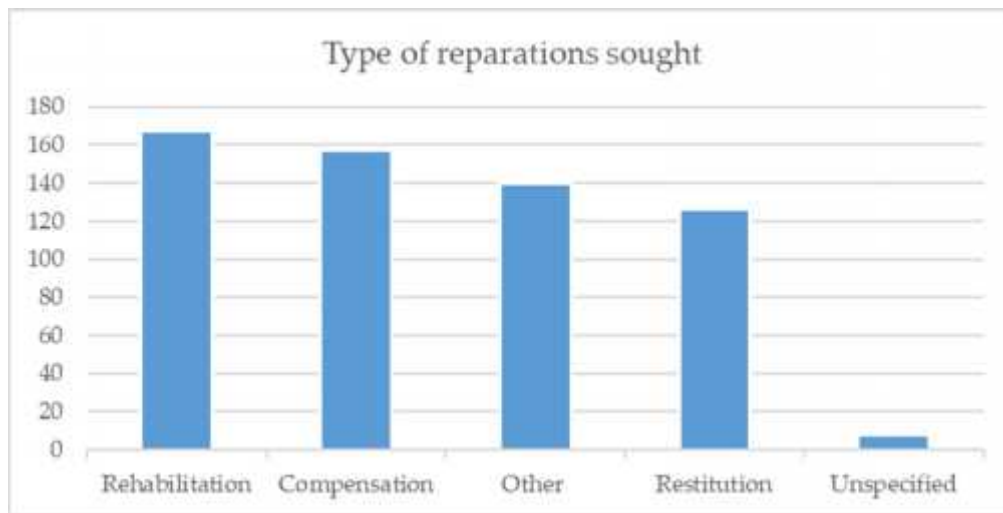


Figure 2

*i. Rehabilitation*¹³

11. The following table provides an overview of the rehabilitation measures sought by 167 applicants.



Figure 3

12. In their requests for rehabilitation measures, applicants expressed preferences for medical care, measures to support their socio-economic reintegration (i.e.

¹³ *Idem.*

income generating activities or support to professional activities), psychological care as well as educational support.

ii. Compensation¹⁴

13. The following table provides an overview of the type of compensation sought by 157 applicants.

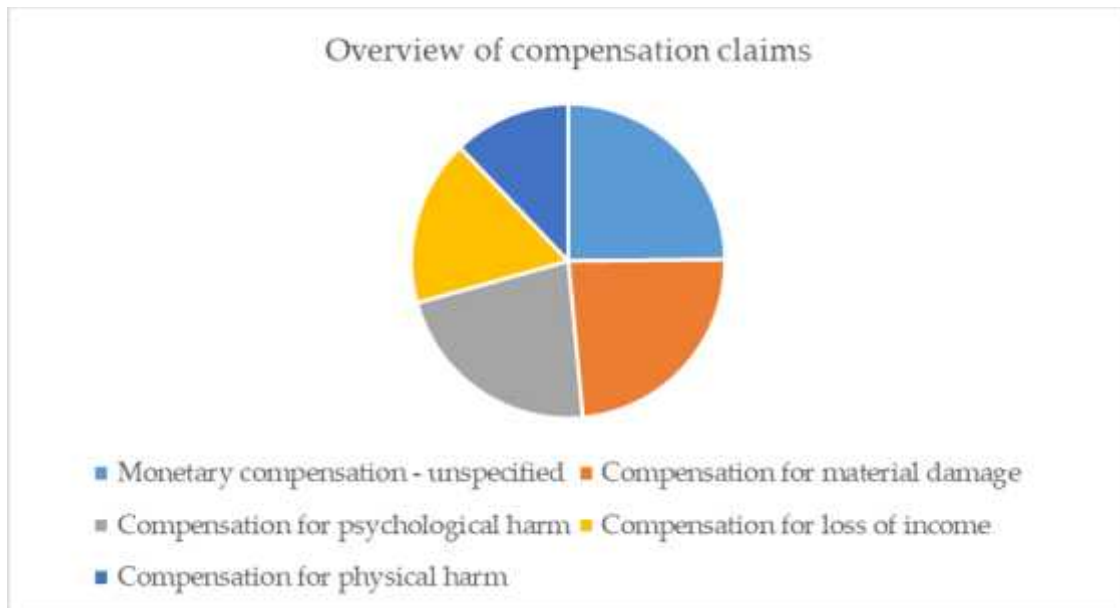


Figure 4

iii. Restitution¹⁵

14. The following table provides an overview of the restitution measures sought by 126 applicants.

¹⁴ *Idem.*

¹⁵ *Idem.*

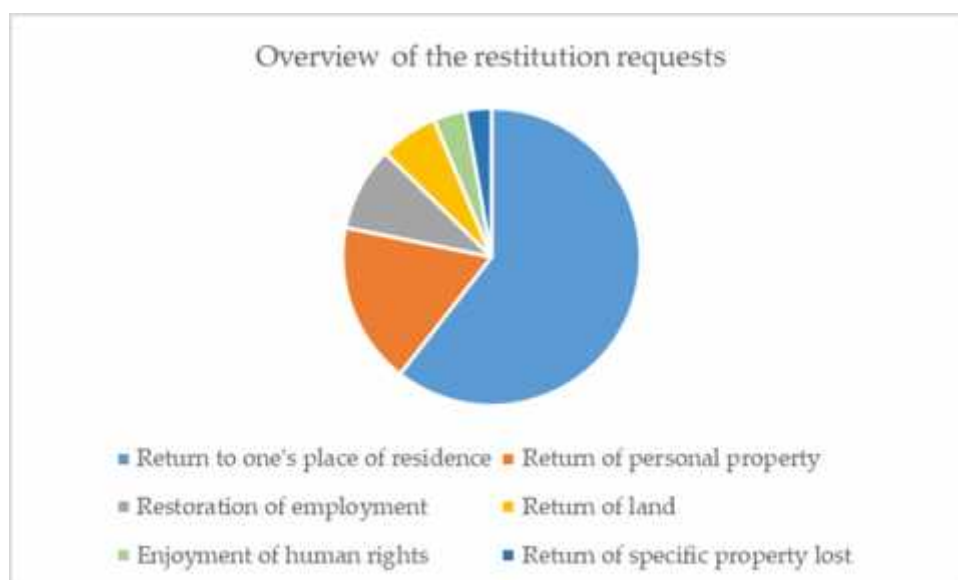


Figure 5

15. An outstanding trend is the desire of victims to return to their home land or place of residence (around 65% of the requests). However, most of them set the condition that safety, security and access to basic needs or services upon their return must be guaranteed first.

iv. Other types

16. 140 applications for reparations contain also other types of requests than those mentioned above, including guarantees of non-repetition, satisfaction and measures for the benefit of the community.

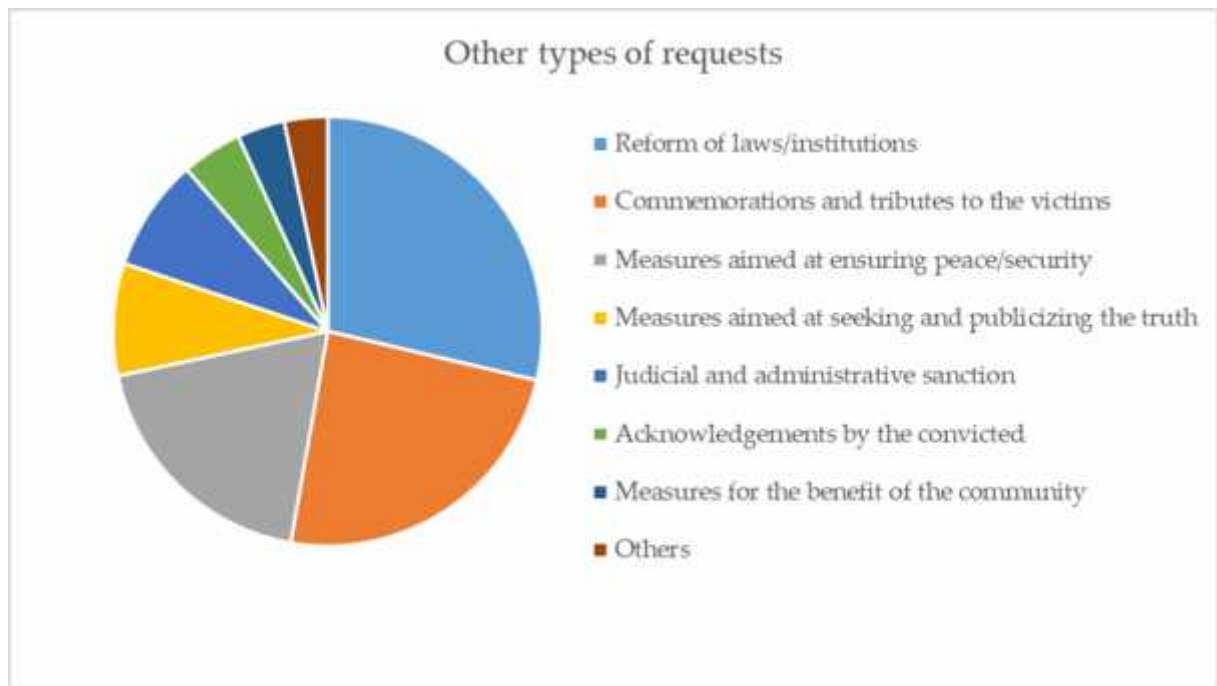


Figure 6¹⁶

Marc Dubuisson, Director, Division of Judicial Services

On behalf of Peter Lewis, Registrar

Dated this 12 July 2022

At The Hague, The Netherlands

¹⁶ The category “Others” includes requests to rebuilt what the war has destroyed as well as awareness raising measures.