



Original: English

No. ICC-02/05-01/20

Date: 16 May 2023

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 the Second Registry's Request to Extend the Time Limit to Submit
Victim Applications for Participation**

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

The Office of the Prosecutor

Karim A.A. Khan
Nazhat Shameem Khan
Julian Nicholls

Counsel for the Defence

Cyril Laucci
Iain Edwards

Legal Representatives of Victims

Natalie von Wistinghausen
Anand Shah

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Oswaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Philipp Ambach

Other

I. Procedural background

1. On 9 February 2023, Trial Chamber I (the ‘Chamber’) issued a decision extending the deadline for submitting victims’ applications in the present case until the end of the case of the Common Legal Representative of Victims (the ‘CLR’).¹
2. On 5 May 2023, the Registry filed a second request for an extension of time limit to submit victims’ applications in the present case, seeking that the Chamber further extends the time limit for the submission of victim applications until the end of the CLR’s case (and the transmission of victims’ applications on a rolling basis as soon as possible thereafter) (the ‘Request’).²
3. On 10 May 2023, the CLR filed her observations to the Request (the ‘Observations’) in support of the Request.³
4. On 12 May 2023, the Defence filed a response stating it does not oppose the Request (the ‘Defence Response’).⁴
5. The Prosecution did not file a response.

II. Applicable law

6. The Chamber incorporates by reference the general framework applicable to the extension of time limits pursuant to Regulation 35(2) of the Regulations of the Court (the ‘Regulations’).⁵

III. Submissions and analysis

7. The Chamber notes that in the Request, the Registry reports that the outbreak of the conflict in Sudan has hindered the victims’ application process. The Registry informs that as a result, victims may be displaced, internet and other communication services have been interrupted, and given the security situation intermediaries are facing difficulties to carry out

¹ Decision on the Registry’s request for extension of time limit to submit victims’ applications for participation, ICC-02/05-01/20-868 (hereinafter ‘First Extension Decision’).

² Second Registry Request to Extend the Time Limit to Submit Victim Applications for Participation, ICC-02/05-01/20-929-Conf-Exp. A public redacted version was notified on the same date, ICC-02/05-01/20-929-Red. The Prosecution did not file a response.

³ Observations on behalf of Victims on the public redacted version of “Second Registry Request to Extend the Time Limit to Submit Victim Applications for Participation”, ICC-02/05-01/20-937 (notified on 11 May 2023).

⁴ Réponse à la Requête ICC-02/05-01/20-929-Red, ICC-02/05-01/20-940.

⁵ Decision on the Prosecution’s request for an extension of time limit to disclose and add items to its list of evidence and list of witnesses, 24 December 2021, ICC-02/05-01/20-545-Conf, para. 3. A public redacted version was notified on 25 April 2022, ICC-02/05-01/20-545-Red.

activities in the field.⁶ As acknowledged by the CLRV,⁷ and the Defence,⁸ the Registry could not have anticipated the ongoing conflict in Sudan.

8. The Chamber further notes that in the Request the Registry reports that the number of victims' applications has significantly scaled up and that their processing has been delayed by the Court's current capacity of Arabic translators.⁹ The Chamber accepts the CLRV's submission that victims should not be disadvantaged by the Court's limitations on translation resources. The Chamber observes the CLRV's suggestion that the deadline should apply to applications in their original language and not the translation thereof.¹⁰

9. Moreover, the Chamber observes that the Registry,¹¹ the CLRV¹² and the Defence¹³ all agree that granting the Request would not be incompatible with Mr Abd-Al-Rahman's right to be tried without undue delay. Furthermore, as observed by the CLRV, victims admitted after the conclusion of the CLRV case will be able to participate in 'several important procedural events'.¹⁴

10. Accordingly, the Chamber finds that good cause is shown for the extension of the time limit.

11. The Chamber observes the Registry's submission that the victims' applications assessed as complete could be transmitted in a few months, following their translation. The Chamber further observes the Registry's proposal to provide an update to the Chamber as soon as the deadline for victims to submit their applications has expired.¹⁵

12. For the above reasons, the Chamber grants the Request and sets the following deadlines:

- a. Victims may submit to the Registry applications to participate in the proceedings no later than 7 June 2023;¹⁶

⁶ Request, ICC-02/05-01/20-929-Conf-Exp, paras 11-14.

⁷ Observations, ICC-02/05-01/20-937, para. 5.

⁸ Defence Response, ICC-02/05-01/20-940, paras. 7-8.

⁹ Request, ICC-02/05-01/20-929-Conf-Exp, paras 9-10.

¹⁰ Observations, ICC-02/05-01/20-937, para. 5.

¹¹ Request, ICC-02/05-01/20-929-Conf-Exp, para. 17.

¹² Observations, ICC-02/05-01/20-937, para. 7.

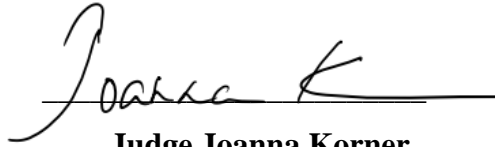
¹³ Defence Response, ICC-02/05-01/20-940, para. 7.

¹⁴ Observations, ICC-02/05-01/20-937, para. 3. The Chamber has admitted 600 victims thus far. As informed by the Registry, two applications authorised to participate at trial stage, a/25132/21 and a/10018/22, emanate from the same victim. *See* Request, ICC-02/05-01/20-929-Conf-Exp, para. 8, n. 11.

¹⁵ Request, ICC-02/05-01/20-929-Conf-Exp, para. 18.

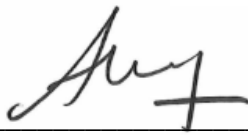
¹⁶ The Chamber notes that in a previous decision it authorised the postponement of the CLRV case, now scheduled to take place on 5-7 June 2023. *See* Decision on the CLRV Request to postpone the commencement of the victims' case, 11 May 2023, ICC-02/05-01/20-939.

- b. Registry is to report to the Chamber, by 14 June 2023, on the status of translation of victims' applications submitted to the Registry;
- c. The Registry is to transmit to the Chamber the English translation of the submitted victims' applications, pursuant to the ABC Approach, on a rolling basis.

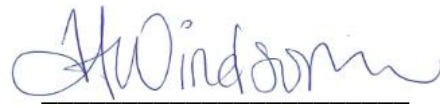


Judge Joanna Korner

Presiding Judge



Judge Reine Alapini-Gansou



Judge Althea Violet Alexis-Windsor

Dated this **16 May 2023**

At The Hague, The Netherlands