

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/05-03/09
Date: 23 December 2015

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Chile Eboe-Osuji
Judge Geoffrey Henderson

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. ABDALLAH BANDA ABAKAER NOURAIN***

**Public
With three Confidential Annexes**

**Registry's transmission of the "Decision on the Prosecution's Request for a
Finding of Non-Compliance" (ICC-02/05-03/09-641)**

Source: The Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Julian Nicholls

Counsel for the Defence

Mr Karim A.A. Khan

Mr David Hooper

Legal Representatives of the Victims

Ms Hélène Cissé

Mr Jens Dieckmann

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 Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Other
Presidency**

The Registrar of the International Criminal Court (“the Court”);

NOTING the “Prosecution’s Request for a Finding of Non-Compliance” (“the Request”),¹ submitted by the Prosecution on 16 October 2015;

NOTING the “Decision Requesting Submissions from the Government of Sudan on the Prosecution's Request for a Finding of Non-Compliance”,² issued on 19 October 2015;

NOTING the “Report of the Registry on the “Decision Requesting Submissions from the Government of Sudan on the Prosecution’s Request for a Finding of Non-Compliance” (“the Report”),³ submitted by the Registry on 9 November 2015;

NOTING the “Decision on the Prosecution’s Request for a Finding of Non-Compliance” (“the Decision”),⁴ issued by Trial Chamber IV on 19 November 2015;

CONSIDERING that the Chamber referred⁵ the Decision to the President of the Court for transmission to the Security Council through the Secretary General of the United Nations;

NOTING Articles 1, 86, 87(7), 89 and 97 of the Rome Statute ('Statute'), Rule 195(1) of the Rules of Procedure and Evidence ('Rules'), Regulations 23*bis* and 109 of the Regulations of the Court ('Regulations') and Article 17(3) of the Negotiated

¹ ICC-02/05-03/09-636-Red

² ICC-02/05-03/09-638

³ ICC-02/05-03/09-640

⁴ ICC-02/05-03/09-641

⁵ *Ibid*, p. 5.

Relationship Agreement between the International Criminal Court and the United Nations;

INFORMS the Chamber as follows:

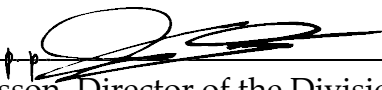
1. On 19 November 2015, the Presidency, by letter (Reference: 2015/PRES/004400/SFG/AOZ), transmitted the Decision to the Security Council through the Secretary General of the United Nations.
2. On 19 November 2015, the Registry, by *Note Verbale* (Reference: 2012/ER/198/JCA/ebs), transmitted the Decision to the Embassy of the Republic of the Sudan to the Kingdom of the Netherlands.
3. On 23 November 2015, the Registry, by email, transmitted the Decision to the Bureau of the Assembly of States Parties via the Secretary of the Assembly of State Parties.

TRANSMITS to the Chamber in annexes:

- The letter dated 19 November 2015 sent by the Presidency to the Secretary General of the United Nations (Confidential Annex 1).
- The *Note Verbale* dated 19 November 2015 sent by the Registry to the Embassy of the Republic of Sudan and the DHL tracking information for the *Note Verbale* (Confidential Annex 2).
- The email dated 23 November 2015 sent by the Registry to the Secretary of the Assembly of State Parties (Confidential Annex 3).

SUMBITS the present transmission as Public following the classification of the Decision, and the annexes as Confidential as they contain the names of staff members of the Court.

RESPECTFULLY SUBMITTED



Marc Dubuisson, Director of the Division of Judicial Services
On behalf of
Herman von Hebel, Registrar

Dated this 23 December 2015

At The Hague, The Netherlands