

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 26 October 2026

TRIAL CHAMBER IV

Before: Judge Kimberly Prost, Presiding Judge
Judge Keebong Paek
Judge Nicolas Guillou

SITUATION IN DARFUR, SUDAN

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

Public

**Public redacted version of "Prosecution's Status Report on arrangements for the execution of Second Decision on the Prosecutor's Application under Article 58",
ICC-02/05-03/09-18-US, dated 26 January 2010**

Source: Office of the Prosecutor

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

☒ The Office of the Prosecutor

☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ 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

Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

Background

1. On 27 August 2009, the Single Judge issued summonses in respect of Abdallah Banda and Saleh Jerbo to appear before the Court on 17 November 2009.¹
2. On 23 October 2009, the Registrar filed the “Report of the Registrar on Execution of Second Decision on the Prosecutor’s Application under Article 58 (the “Report”).²
3. On 26 October 2009, the Prosecution filed its “Prosecution’s Response to the Report of the Registrar on the execution of Second Decision on the Prosecutor’s Application under Article 58”³ (“26 October Filing”).
4. On 4 November 2009, the Single Judge issued “Decision Scheduling a Hearing on 9 November 2009”⁴, in order “*to discuss the respective arrangements which might be put in place by the Registrar and the Prosecutor for the purposes of such implementation*”⁵.
5. On 9 November 2009, the Prosecution filed its “Prosecution’s Status report on arrangements made for the execution of Second Decision on the Prosecutor’s Application under Article 58”⁶ in order to update both the Chamber and the Registry on the current arrangements being made to facilitate the initial appearance of the two suspects.

¹ ICC-02/05-03/09-2-US and ICC-02/05-03/09-3-US

² ICC-02/05-03/09-6-US

³ ICC-02/05-03/09-7-US

⁴ ICC-02/05-03/09-8-US

⁵ ICC-02/05-03/09-8-US at page 5

⁶ ICC-02/05-03/09-9-US

6. During the hearing of 9 November 2009, the Prosecution informed the Chamber that it planned to travel to [REDACTED] to secure more information on the organization of the voluntary appearance of the two named individuals.
7. On 23 December, the Prosecution filed an update on the current arrangements being made to facilitate the initial appearance of the two suspects and promised an additional update on 5 January 2010.⁷
8. On 5 January the Prosecution filed an additional update and promised a new update on 11 January 2010.⁸
9. On 11 January, the Prosecution filed an additional update and promised a new update on 18 January 2010.⁹
10. On 19 January, the Prosecution filed an additional update and promised a new update on 25 January 2010.¹⁰
11. On 22 January, the Registry filed an Information report on the execution of Second Decision on the Prosecutor's application under Article 58.¹¹ On 25 January, the Pre-Trial Chamber I issued a decision, requesting the Prosecutor to submit observations on the Registrar's Information report by January 26 at 12.00. This filing comprises observations on the Registrar's report, in addition to the information gathered in the last few days since the Registrar's report was filed.

⁷ ICC-02/05-03/09-12-US

⁸ ICC-02/05-03/09-13-US

⁹ ICC-02/05-03/09-14-US

¹⁰ ICC-02/05-03/09-15-US

¹¹ ICC-02/05-03/09-16-US-Exp

12. The Prosecution notes that the Registry's report contains some of the information the Prosecution obtained in the last week, which it shared with the Registry through regular consultations last week. The Prosecution welcomes and appreciates continued consultations with the Registry toward this end.

Current Status of Arrangements for the Implementation of the Chamber's Decision

a) Saleh Jerbo

13. Since the last report, in relation to Saleh Jerbo, the Office of the Prosecutor met with representatives of the Registry on 19 January. The Prosecution understands, as referenced also in the Registry's report that the Registry's Defence Support Section has changed the appointment of duty counsel for Saleh Jerbo as well as for Abdallah Banda, in light of the specific language requirements of both individuals, in order to find counsel more suitable to them. The Prosecution has shared with the Registry contact details for the intermediaries to ensure that counsel can get in touch with the intermediary as soon as possible.

14. [REDACTED].

15. [REDACTED].

16. [REDACTED].

b) Abdallah Banda

17. Since the last report, the Prosecution understands that the Registry's Defence Support Section has changed the appointment duty counsel for Abdallah Banda. As indicated above, the Prosecution has provided the Registry with contact details for the intermediaries to ensure that counsel can get in touch with the intermediary as soon as possible. [REDACTED].
18. [REDACTED].
19. [REDACTED].
20. [REDACTED].
21. [REDACTED] indicated that Banda is not able to read documents, and is more comfortable in Court with speaking and listening in Zaghawa. However, if he is to receive written documents in audio form, he would also be able to receive audio materials in Arabic.
22. In regard to other issues raised in the Registry's report, in paragraphs 22-24 of the Registry's report, the Registry suggests "consecutive" translation for the purposes of the initial appearance only, given the need to find suitable simultaneous interpreters, which will take longer than time allows. The Prosecution agrees with this suggestion.
23. In regard to communication of the Decision and other documents containing names of both individuals, which the Registry raises in paragraph 26, the Prosecution would join the Registry in seeking the Chamber's guidance on this issue.
24. The Prosecution will keep the Chamber and Registry informed of any new developments as they occur.

Conclusion

25. During their meetings with the Prosecution the intermediaries of Saleh Jerbo and Abdallah Banda reiterated their willingness to appear before the Court and their logistic difficulties to travel to The Hague.

26. The Prosecution will provide an update report to the Chamber on 29 January 2010.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', with a large, stylized initial 'M' on the left.

Mame Mandiaye Niang, Acting Prosecutor

Dated this 26th day of October 2026

At The Hague, The Netherlands