

**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 Observations on the Registry filing on arrangements for the execution of Second Decision on the Prosecutor's Application under Article 58", ICC-02/05-03/09-32-US, dated 29 March 2010

Source: Office of the Prosecutor

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

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☒ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

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(Participation/Reparation)

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REGISTRY

Registrar

Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

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Reparations Section

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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 Pre-Trial Chamber I (the “Chamber”) and the Registry on the arrangements being made to facilitate 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 4

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 the organization of the voluntary appearance of the two named individuals.
7. On 23 December 2009, 5 January, 11 January and 19 January 2010, respectively, the Prosecution filed updates on the current arrangements being made to facilitate the initial appearance of the two suspects.⁷
8. On 22 January 2010, the Registry filed an Information report on the execution of Second Decision on the Prosecutor's application under Article 58.⁸ Upon request of the Pre-Trial Chamber I, on 26 January 2010, the Prosecution filed its update, including observations on the Registrar's report, and promised an additional update on 29 January 2010.⁹
9. On 29 January 2010, the Prosecution filed an update, requesting a postponement of the 3 February 2010 initial appearance date because of difficulties for the two individuals summoned to appear in travelling out of Darfur¹⁰. The Prosecution informed the Registry of the situation and the anticipated filing by a phone conversation on 28 January 2010 [REDACTED]. The Registry also submitted an update on 29 January 2010.¹¹
10. On 1 February 2010, the Chamber issued a decision cancelling the 3 February 2010 initial appearance and scheduling an *ex parte* hearing to take place on 3 February 2010 with the Prosecution and the Registry to discuss the situation.¹²

⁷ ICC-02/05-03/09-12-US; ICC-02/05-03/09-13-US; ICC-02/05-03/09-14-US; ICC-02/05-03/09-15-US.

⁸ ICC-02/05-03/09-16-US-Exp 22-01-2010

⁹ ICC-02/05-03/09-18-US

¹⁰ ICC-02/05-03/09-21-US

¹¹ ICC-02/05-03/09-22-US

¹² ICC-02/05-03/09-23-US

11. On 3 February 2010, at the conclusion of the hearing, the Chamber requested the Prosecution to submit a final status report, no later than 12.00 on 12 February 2010, with an update on the arrangements and logistics, in order to allow the Chamber to set the date for the initial appearance.
12. On 12 February 2010, the Prosecution filed the requested Report on the arrangements for the execution of Second Decision.¹³
13. On 19 February 2010, the Registry filed its "Observations of the Registry on the report of the Office of the Prosecutor dated 12 February 2010".¹⁴
14. On 4 March 2010, the Prosecution submitted its observations on the Registry document referred to in paragraph 13 above.¹⁵
15. On 15 March, the Pre-Trial Chamber issued the Decision Setting the Date for the Hearing of First Appearance, in which it schedules the initial appearance for 17 June 2010 at 10:00 hours.¹⁶
16. On 26 March, the Registry filed a status report.¹⁷
17. The current filing provides an update on the status of the two individuals summoned to appear voluntarily before the Court.

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

¹³ ICC-02/05-03/09-26-US

¹⁴ ICC-02/05-03/09-27-US

¹⁵ ICC-02/05-03/09-28-US

¹⁶ ICC-02/05-03/09-30-US

¹⁷ ICC-02/05-03/09-31-US

a) Saleh Jerbo

18. [REDACTED].

19. [REDACTED].

20. [REDACTED].

b) Abdallah Banda

21. [REDACTED].

22. [REDACTED].

23. [REDACTED].

Cooperation of third parties

24. [REDACTED].

Conclusion

25. The Prosecution believes that Mr. Banda, as he is now safely out of Darfur, and Mr. Jerbo, [REDACTED], will likely be ready to appear voluntarily before the Court prior to the 17 June date. [REDACTED]. The Prosecution therefore requests leave from the Chamber to set new dates for each individual, as they become available. The Prosecution has discussed this question with the Registry at the working level and believes that the week of 12 April 2010 may

be the first, best opportunity to arrange for their initial appearances before the Court.¹⁸

26. With the Chamber's leave, the Prosecution will continue to provide any further assistance in the appearance of the two suspects, with the hope that they can appear as soon as possible.

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

¹⁸ It is not yet clear whether the two individuals will be able to arrive together or will arrive separately, depending on the logistical arrangements, but the Prosecution will keep the Chamber informed.