

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 27 October 2026

TRIAL CHAMBER IV

Before: Judge Kimberly Prost, Presiding Judge
Judge Reine Alapini-Gansou
Judge María del Socorro Flores Liera

SITUATION IN THE DARFUR, SUDAN

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

**URGENT
PUBLIC**

Public Redacted Version of "Defence Urgent Request for an Order to the Registry to Allow the Defence to Speak to its Client and Potential Witnesses", filed on 12 October 2022

Source: Defence for Abdallah Banda Abakaer Nourain

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

[REDACTED]

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

[REDACTED]

Counsel Support Section

[REDACTED]

Other

[REDACTED]

[REDACTED]

I. Introduction

1. On 11 October 2022, the Registry denied the Defence for General Abdallah Abakaer Nourain ('Defence') from speaking with its Client and potential witnesses. The Registry's decision on 11 October 2022 has, for all intents and purposes, cut off the Client from his Defence. It has stifled the Defence and all the progress which it made towards having the Client appear before the Chamber.
2. The Defence requests Trial Chamber IV ('Chamber') to order the Registry to provide an interpreter to the Defence on Thursdays and Saturdays during the month of October 2022 from 13h00 to 16h00 CET.
3. As the Defence must now reschedule a series of meetings, which shall be notified to the Chamber on an *ex parte* basis within 48 hours of this request, it is urgent that it be able to contact these persons with haste.

II. Classification

4. Pursuant to Regulation 23*bis* of the Regulations of the Court, this filing is classified confidential and *ex parte* available only to the Defence, Registrar Peter Lewis, [REDACTED] as it refers to confidential and privileged communications, along with investigation steps currently not disclosable to the Parties or Participants.
5. The Defence files this request as URGENT so it can contact both its Client and the approximately eight (8) potential witnesses quickly so they can cancel any temporary travel plans.

III. Regulation 35(2) Request

6. Pursuant to Regulation 35 of the Regulations of the Court, the Defence requests the Chamber to order any responses to this request be filed by 14 October 2022 at 16h00 CET. The requested services of a Zaghawan interpreter are pressing to alert persons who are may be making arrangements to travel [REDACTED] for an interview and to explain the situation and options to its Client. The discussions with the Client must take place on several day for him to process the issues and come back with his answers, but with the utmost respect, it must be done sooner rather than later.

IV. Procedural History

7. On 4 August 2022, the Defence and External Operations conducted a meeting in The Hague with [REDACTED] attending virtually. During this meeting, [REDACTED] expressed his team's desire to speak with the Client. This meeting was facilitated and with knowledge of CSS.¹
8. During the first weeks of August 2022, the Defence relayed [REDACTED] message to the Client. The Client agreed to speak with [REDACTED] after the Defence contacted potential witnesses and interviewed them.
9. On 12 August 2022, the Defence informed CSS that it was going to speak and conduct initial interviews with potential witnesses in the coming days.²
10. On 17 August 2022, the Defence informed CSS that it made significant progress with securing meetings with no fewer than nine (9) potential witnesses and requested the further use of an interpreter for this venture until 26 August 2022.³
11. On 25 August 2022, the Defence updated CSS, stating that it had talked to three (3) potential witnesses and two (2) potential witnesses were out-of-cellular service that day, but we were going to attempt to contact them on the next day.⁴
12. On 30 September 2022, [REDACTED] spoke with the Client with the assistance of a Registry interpreter.⁵ During the telephone conversation, the Client expressed his desire to meet with his Defence Team during the proposed mission [REDACTED]. The Client was advised of his options and that his Defence would discuss this internally and get back to him soon about it.
13. On 30 September 2022, the Defence submitted a mission request for a mission from [REDACTED] [REDACTED] to meet with potential witnesses.⁶

¹ Counsel Taku met [REDACTED] at the end of July 2022. Counsel Taku informed them that the Client wanted to come to have his case heard, but that he did not want to sit in detention for years before it started. [REDACTED] scheduled the meeting on 4 August 2022 because of this, and [REDACTED] was there during the short conversation when it was decided to hold a meeting.

² Email from Defence to CSS, *Banda Defence – Interpretation Request*, sent on 12 August 2022 at 00h26 CET.

³ Email from Defence to CSS, *Re: Banda Defence – Interpretation Request*, sent on 17 August 2022 at 15h15 CET.

⁴ Email from Defence to CSS, *Banda Defence – URGENT – Request for further Interpretations*, sent on 25 August 2022 at 15h07 CET and Email from Defence to [REDACTED] *Re: Banda Defence – URGENT – Request for further Interpretations*, sent on 25 August 2022 at 15h15 CET.

⁵ Phone call between Client and [REDACTED] 30 September 2022 at 13h33 CET for 00:11:15.

⁶ Email from Defence to CSS, *Banda Defence – Mission Request*, sent on 30 September 2022 at 21h37 CET.

14. On 3 October 2022, the Defence requested the provision of an interpreter for the month of October 2022 on Thursday and Saturdays from 13h00 to 16h00 CET. The Defence let CSS know that it would need the interpreter, in part, to help get things ready for the mission.⁷
15. On 6 October 2022, Counsel Taku called [REDACTED] to discuss the issue of the Client meeting him during the November 2022 mission [REDACTED].⁸
16. On 6 October 2022, the Defence requested to know the status of its interpretation request for October 2022.⁹
17. On 7 October 2022, CSS denied the mission [REDACTED].¹⁰
18. On 7 October 2022, the Defence again requested to know the status of its interpretation request for October 2022.¹¹
19. On 7 October 2022, the Defence offered more information to CSS and requested that it reconsider its decision to deny the mission request.¹²
20. On 11 October 2022, CSS replied to the Defence's reconsideration request and denied the mission once again.¹³
21. On 11 October 2022, the Defence sent its fourth email relating to the October 2022 interpretation request demanding to receive an answer.¹⁴ The Defence informed CSS that it would seek an urgent request to the Chamber should the request not be answered by the end of business.¹⁵
22. On 11 October 2022, CSS denied the Defence from speaking to its Client by denying its request for an interpreter on Thursdays and Saturday in October 2022.¹⁶

⁷ Email from Defence to CSS, *Banda Defence – Interpretation Request – October 2022*, sent on 3 October 2022 at 14h30 CET.

⁸ Phone call from Counsel Taku to [REDACTED] 6 October 2022 at 13h41 CET for 00:06:00.

⁹ Email from Defence to CSS, *Re: Banda Defence – Interpretation Request – October 2022*, sent on 6 October 2022 at 13h51 CET.

¹⁰ Email from CSS to Defence, *RE: Banda Defence – Mission Request*, received on 7 October 2022 at 11h47 CET.

¹¹ Email from Defence to CSS, *Re: Banda Defence – Interpretation Request – October 2022*, sent on 7 October 2022 at 12h05 CET.

¹² Email from Defence to CSS, *Re: Banda Defence – Mission Request*, sent on 7 October 2022 at 15h28 CET.

¹³ Email from CSS to Defence, *RE: Banda Defence – Mission Request*, received on 11 October 2022 at 11h33 CET.

¹⁴ Email from Defence to CSS, *Re: Banda Defence – Interpretation Request – October 2022*, sent on 11 October 2022 at 11h42 CET.

¹⁵ *Ibid.*

¹⁶ Email from CSS to Defence, *RE: Banda Defence – Interpretation Request – October 2022*, received on 11 October 2022 at 11h56 CET.

23. On 11 October 2022, the Defence typed a message for translation to its Client and sent it to CSS for translation into an audio file.¹⁷
24. On 11 October 2022, the Defence requested a specific time and date to call its Client, as demanded by the Registry, but under protest.¹⁸
25. By the time of this request, the Defence has not received the official translation of its message to its Client.

V. Submissions

26. During the months of August and September 2022, the Defence gained serious headway with the Client in terms of preparing its case for trial. These preparations were part of a strategy to be trial ready, which in turn, saw the Client more willing to come to the seat of the Court.
27. These steps were not taken immediately. It took months of discussions with the Client before receiving concrete names of persons as witnesses in his defence. These actions, this slow progression, has seen significant gains also in the trust the Client has for his Defence, a Defence Team he has never met in person.
28. During the most recent telephone conversation with the Client, the possibility of meeting him in person was discussed. The Client was given his options, and he was told that the Defence would discuss this matter internally and get back to him. This was the reason why the Defence felt it pressing to consistently request to know the status of its weekly telephone conversations with the Client.
29. This issue was kept secret between Counsel and [REDACTED]. They discussed the issue and planned to present options to the Client during its next telephone conversation with the Client. This issue was kept secret as any leak in this information could compromise the mission and unnecessarily place lives at risk. Furthermore, there was no decision as to whether to meet with the Client as that decision was going to be left up to him.
30. The Defence requires the assistance of an interpreter during the next few weeks, and for November 2022.

¹⁷ Email from Defence to CSS, *Re: Banda Defence – Translation Request – 11 October 2022 – Request 1*, sent on 11 October 2022 at 15h09 CET.

¹⁸ Email from Defence to CSS, *URGENT – Banda Defence – Interpretation Request for 18 October 2022*, sent on 11 October 2022 at 15h21 CET.

31. The Defence must have an interpreter over the next week so as to call potential witnesses and inform them that the mission is not going to take place. The Defence must also discuss alternative with those persons.
32. The Defence will also need an interpreter for the coming weeks, through to the end of November 2022, to continue to call its Client. The Defence cannot predict how the Client will react to this information. The Defence and its Client were making positive strides in both the Client's defence and him appearing before the Chamber. These strides are intertwined. Both the Client and Defence aver that preparation for the trial is the best way forward, and with being prepared, the Client knows that he would not have to wait in prison for months or years before trial begins. If he is to appear before the Chamber, he wants the satisfaction of knowing that his Defence is ready and that there are concrete grounds to demand an immediate opening of the trial. This information within this paragraph was written to CSS on 7 October 2022.
33. To stop any complications, and to advance the orders of the Chamber, *to wit*, bring the Client before the Chamber, the Defence respectfully requests the Chamber to order the Registry to provide the Defence with a Zaghawan interpreter for the months of October and November 2022 on Thursday and Saturdays from 13h00 to 16h00 CET.

VI. Requested Relief

34. The Defence for Abdallah Banda Abakaer Nourain requests Trial Chamber IV to order the Registry to provide the Defence with a Zaghawan interpreter for the months of October and November 2022 on Thursday and Saturdays from 13h00 to 16h00 CET.
35. The Defence also requests, pursuant to Regulation 35 of the Regulations of the Court, Trial Chamber IV to order responses to be filed by 14 October 2022 at 16h00 CET.

Respectfully Submitted,



Chief Charles Achaleke Taku
Lead Counsel for Abdallah Banda Abakaer Nourain

Dated this 27th day of October 2026
At Maryland, United States of America