

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/05-03/09**
Date: **29 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 Reply to Defence Submission ICC-02/05-03/09-592-Conf", ICC-02/05-03/09-600-Conf, dated 25 August 2014

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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Introduction

1. Pursuant to the order¹ of Trial Chamber IV, the Prosecution hereby replies to the Defence's response² to the Second Prosecution application to amend its lists of witnesses and evidence ("Application").³ The Chamber in its order found that it would be useful to receive submissions in response to the Defence assertion that P-0477's evidence is duplicative of that of "no less than eight Prosecution trial witnesses".⁴ Hence, the Prosecution sets out below the unique value of P-0477's evidence, when compared to the evidence of the eight other witnesses cited by the Defence⁵ ("Other Cited Witnesses").
2. There is a qualitative difference between the evidence of P-0477 and the Other Cited Witnesses on the motive for the attack on MGS Haskanita, which makes it clear that he does not provide duplicative evidence. While the evidence of P-0477 and that provided by the Other Cited Witnesses complement each other, they describe relevant events from different vantage points: [REDACTED]⁶ [REDACTED]. The Other Cited Witnesses provide evidence on the motive of looting based on what occurred at the time of the attack and during its immediate aftermath.

Confidentiality

3. The Prosecution submits this filing confidentially because it replies to a confidential document.⁷

Submissions

Different Vantage Points

¹ ICC-02/05-03/09-597.

² ICC-02/05-03/09-592-Conf.

³ ICC-02/05-03/09-589-Conf.

⁴ ICC-02/05-03/09-597, para.7.

⁵ ICC-02/05-03/09-592-Red, para. 8, footnote 20.

⁶ [REDACTED]

⁷ See Regulation 23bis(2).

4. [REDACTED]⁸ [REDACTED].⁹ [REDACTED].¹⁰ [REDACTED]¹¹ [REDACTED]¹²
[REDACTED] (It is the Prosecution's case that this need for vehicles was one of the reasons why the Accused and his group attacked MGS Haskanita, as further demonstrated by their theft of vehicles while inside the camp).
5. [REDACTED] [REDACTED] [REDACTED],¹³ [REDACTED],¹⁴ [REDACTED]"¹⁵
[REDACTED]¹⁶ [REDACTED].
6. [REDACTED]¹⁷ [REDACTED]¹⁸ [REDACTED]¹⁹ [REDACTED].²⁰ [REDACTED].²¹
[REDACTED]²² [REDACTED]²³ [REDACTED].²⁴ [REDACTED].²⁵
7. [REDACTED]²⁶ [REDACTED]²⁷ [REDACTED]²⁸ [REDACTED]²⁹ [REDACTED]³⁰
[REDACTED]³¹ [REDACTED].³²
8. Hence, to claim that the evidence of P-0477 is identical to that of the Other Cited Witnesses is akin to claiming that, [REDACTED]. The villager can make reasonable inferences about the motive for the shelling based on the location of impact.

⁸ [REDACTED].

⁹ [REDACTED].

¹⁰ [REDACTED].

¹¹ [REDACTED].

¹² [REDACTED].

¹³ [REDACTED].

¹⁴ [REDACTED].

¹⁵ [REDACTED].

¹⁶ [REDACTED].

¹⁷ [REDACTED].

¹⁸ [REDACTED].

¹⁹ [REDACTED].

²⁰ [REDACTED].

²¹ [REDACTED].

²² [REDACTED].

²³ [REDACTED].

²⁴ [REDACTED].

²⁵ [REDACTED].

²⁶ [REDACTED].

²⁷ [REDACTED].

²⁸ [REDACTED].

²⁹ [REDACTED].

³⁰ [REDACTED].

³¹ [REDACTED].

³² [REDACTED].

[REDACTED]. While the evidence of the latter complements that of the former, it is not duplicative.

Different Stages of the Narrative

9. P-0477's evidence regarding the motive for the attack, when compared to that of the witnesses cited by the Defence, also relates to a different stage of the case narrative. [REDACTED]³³ [REDACTED]³⁴ [REDACTED],³⁵ [REDACTED].³⁶ [REDACTED].³⁷ [REDACTED].
10. The table below summarises the differences between Witness P-0477 and the witnesses cited by the Defence.

[REDACTED]	[REDACTED]	[REDACTED] ³⁸
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

11. In light of the above differences in vantage point and stage of narrative, the evidence provided by P-0477 clearly does not duplicate that of the Other Cited Witnesses.

³³ [REDACTED].

³⁴ [REDACTED].

³⁵ [REDACTED].

³⁶ [REDACTED].

³⁷ [REDACTED].

³⁸ [REDACTED].

Relief

12. For the above reasons, and the reasons articulated in the Application, the Prosecution reiterates its request that the Chamber authorise:

- i. the addition of P-0477 to the Prosecution's trial witness list;
- ii. the addition of P-0477's interview transcripts, as well as the photographs he was shown during his interview, to the list of evidence.

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 29th day of October 2026

At The Hague, The Netherlands