

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09

Date: 16 March 2011

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra, First Vice-President
Judge Hans-Peter Kaul, Second Vice-President

**SITUATION IN DARFUR, SUDAN
IN THE CASE OF
THE PROSECUTOR
v. ABDALLAH BANDA ABAKAER NOURAIN AND SALEH MOHAMMED JERBO
JAMUS**

Public

Decision constituting Trial Chamber IV and referring to it the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda

Counsel for the Defence

Mr Karim A.A. Khan
Mr Andrew J. Burrow

Legal Representatives of the Victims

Mr Brahim Koné
Ms Hélène Cissé
Mr Akin Akinbote
Mr Frank Adaka
Sir Geoffrey Nice & Mr Rodney Dixon

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

The Office of Public Counsel for Victims

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Defence Support Section

Mr Esteban Peralta Losilla

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

Pre-Trial Chamber I

THE PRESIDENCY of the International Criminal Court (the “Court”);

NOTING the decision of Pre-Trial Chamber I, dated 7 March 2011, confirming the charges brought by the Prosecutor of the Court against Mr Abdallah Banda Abakaer Nourain and Mr Saleh Mohammed Jerbo Jamus and committing them for trial (the “decision confirming the charges”);¹

NOTING articles 36, 38 and 39 of the Rome Statute of the International Criminal Court (the “Statute”);

CONSIDERING article 61(11) of the Statute, pursuant to which the Presidency shall constitute a Trial Chamber once the charges have been confirmed, which shall be responsible for the conduct of subsequent proceedings;

CONSIDERING rule 130 of the Rules of Procedure and Evidence of the International Criminal Court (the “Rules”), pursuant to which the Presidency shall refer the case to a Trial Chamber and transmit to it the decision confirming the charges and the record of the proceedings of the Pre-Trial Chamber in the case;

CONSIDERING that on 15 March 2011, the Registrar was ordered to transmit to the Presidency the decision confirming the charges and the record of proceedings in the case before Pre-Trial Chamber I;²

CONSIDERING that, pursuant to the aforementioned order, the record of the proceedings before Pre-Trial Chamber I and the decision confirming the charges were transmitted, by the Registrar, to the Presidency on 15 March 2011, in accordance with rule 129 of the Rules;³

HEREBY DECIDES to temporarily attach Judge Silvia Fernández de Gurmendi, currently assigned to the Pre-Trial Division, to the Trial Division;

¹ Corrigendum of the “Decision on the Confirmation of Charges”, ICC-02/05-03/09-121-Corr-Red.

² Order to the Registrar to transmit the Decision on confirmation of charges and the record of the proceedings to the Presidency, ICC-02/05-03/09-122.

³ Transmission to the Presidency of the Decision on the Confirmation of Charges and of the Record of the Proceedings, ICC-02/05-03/09-123.

HEREBY CONSTITUTES Trial Chamber IV with immediate effect:

Trial Chamber IV

Judge Fatoumata Dembele Diarra


Judge Joyce Aluoch

Judge Silvia Fernández de Gurmendi

HEREBY REFERS the case against Mr Abdallah Banda Abakaer Nourain and Mr Saleh Mohammed Jerbo Jamus to Trial Chamber IV; and

HEREBY TRANSMITS the full record of the proceedings before Pre-Trial Chamber I to Trial Chamber IV, including the decision confirming the charges.

Done in both English and French, the English version being authoritative.



Judge Sang Hyun Song
President

Dated this 16 March 2011

At The Hague, The Netherlands