

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 June 2013

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Silvia Fernández de Gurmendi
Judge Chile Eboe-Osuji

SITUATION IN DARFUR, SUDAN

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

URGENT

Public

Order scheduling a status conference

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Adebowale Omofade

Counsel for the Defence

Mr Karim A.A. Khan

Mr Nicholas Koumjian

Legal Representatives of Victims

Ms Hélène Cissé

Mr Jens Dieckmann

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

1. On 23 April 2013, the defence for Mr Abdallah Banda Abakaer Nourain (“Mr Banda”) and Mr Saleh Mohammed Jerbo Jamus (“Mr Jerbo”) filed the “Public Redacted Version of ‘Defence Notification of the Death of Mr Saleh Mohammed Jerbo Jamus’ submitted on 21 April 2013” (“Notification”),¹ in which it notified Trial Chamber IV (“Chamber”), that on 20 April 2013 it had received news that “Mr Jerbo died in North Darfur, Sudan on the afternoon of 19 April 2013, and was buried the same day.”² On 10 May 2013³ and 20 June 2013,⁴ the defence for Mr Banda and Mr Jerbo (“defence”) confidentially filed two updates to the Defence Notification (“Updates”).

2. Following the Chamber’s Orders to file observations on the Defence Notification and the Updates,⁵ the Chamber received the respective submissions of the defence,⁶ the Office of the Prosecutor,⁷ the common legal representative⁸ and the Registry⁹ on,

¹ Public Redacted Version of ‘Defence Notification of the Death of Mr Saleh Mohammed Jerbo Jamus’ submitted on 21 April 2013, 23 April 2013, ICC-02/05-03/09-466-Red.

² ICC-02/05-03/09-466-Red, paragraph 2.

³ Update to Defence Notification of the Death of Mr Saleh Mohammed Jerbo Jamus (ICC-02/05-03/09-466-Conf), 10 May 2013, ICC-02/05-03/09-475-Conf and confidential *ex parte* Annex A thereto.

⁴ Second Update to Defence Notification of the Death of Mr. Saleh Mohammed Jerbo Jamus (ICC-02/05-03/09-466-Conf) and Additional Submissions pursuant to the Trial Chamber’s Order of 10 June 2013 (ICC-02/05-03/09-485-Conf), ICC-02/05-03/09-486-Conf.

⁵ Email from the Legal Officer of the Chamber to the parties and participants on 26 April 2013 at 15.19; Order requesting the parties’ observations on the Common Legal Representatives and the Registry’s proposal on the severance of the case, 16 May 2013, ICC-02/05-03/09-476 and confidential Order to the defence and the Registry following the “Update to Defence Notification of the Death of Mr Saleh Mohammed Jerbo Jamus”, 10 June 2013, ICC-02/05-03/09-485-Conf.

⁶ Defence Observations on the Common Legal Representatives’ and the Registry’s proposals on the severance of the case, 28 May 2013, ICC-02/05-03/09-480.

⁷ Prosecution’s Observations Regarding the Defence Notification of the Death of Mr Saleh Mohammed Jerbo Jamus, ICC-02/05-03/09-471 and Public Redacted Version of “Prosecution’s Submissions Pursuant to Trial Chamber IV’s Order requesting the parties’ observations on the Common Legal Representatives and the Registry’s proposal on the severance of the case” filed on 28 May 2013, 29 May 2013, ICC-02/05-03/09-479-Red.

⁸ Observations des Représentants Légaux Communs sur la Notification de la Défence (ICC-02/05-03/09-466-Red), 6 May 2013, ICC-02/05-03/09-472 together with 8 public annexes.

⁹ Registry’s observations on the “Public Redacted Version of ‘Defence Notification of the Death of Mr Saleh Mohammed Jerbo Jamus’ submitted on 21 April 2013” (ICC-02/05-03/09-466-Red) dated 23 April 2013, 7 May 2013, ICC-02/05-03/09-473-Red and Report of the Registry pursuant to Trial Chamber IV’s “Order to the defence and the Registry following the “Update to Defence Notification of the Death of Mr Saleh Mohammed Jerbo Jamus” dated 10 June 2013, 24 June 2013, ICC-02/05-03/09-487-Conf.

inter alia, the appropriateness of the proposals to terminate the proceedings against Mr Jerbo or sever the case against Mr Jerbo from the case against Mr Banda.

3. Having reviewed the parties and participants' submissions relating to Mr Jerbo's alleged death, in accordance with Rule 132(2) of the Rules of Procedure and Evidence, the Chamber will hold a public status conference on 18 July 2013 at 09.00 am.
4. The attendees at the status conference will be the prosecution, the defence, the common legal representative of victims and representatives of the Registry, including the Victims and Witnesses Unit. A confidential agenda only available to the parties is annexed to the present Order.
5. The common legal representative will be notified in due course of the confidential agenda before the status conference, with appropriate redactions if applicable.

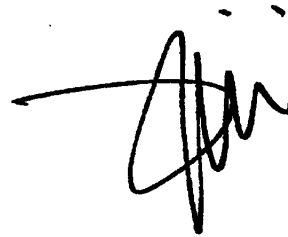
Done in both English and French, the English version being authoritative.



Judge Joyce Aluoch



Judge Fernández de Gurmendi



Judge Chile Eboe-Osuji

Dated this 28 June 2013

At The Hague, The Netherlands