

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 19 October 2015

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Chile Eboe-Osuji
Judge Geoffrey Henderson

SITUATION IN DARFUR, SUDAN

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

Public

**Decision Requesting Submissions from the Government of Sudan on the
Prosecution's Request for a Finding of Non-Compliance**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Julian Nicholls

Counsel for the Defence

Mr Karim A.A. Khan

Mr David Hooper

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

Competent authorities of the
Republic of the Sudan

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber IV ('Chamber') of the International Criminal Court in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain* ('Banda case'), having regard to Article 87(7) of the Rome Statute ('Statute') and Regulation 109 of the Regulations of the Court ('Regulations'), issues the following 'Decision Requesting Submissions from the Government of Sudan on the Prosecution's Request for a Finding of Non-Compliance'.

1. On 16 October 2015, the Office of the Prosecutor ('Prosecution') requested that the Chamber issue a finding of non-compliance by the Republic of the Sudan in the *Banda Case*, pursuant to Article 87(7) of the Statute.¹
2. Regulation 109(3) of the Regulations requires that the Chamber give the requested State an opportunity to be heard before making any Article 87(7) finding.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

ORDERS the Registry to notify the competent Sudanese authorities of the Prosecution's request (ICC-02/05-03/09-636-Red) and

REQUESTS that any observations the Government of Sudan has on this request be filed by 9 November 2015.

¹ Public redacted version of "Prosecution's request for a finding of non-compliance against the Republic of the Sudan in the case of *The Prosecutor v Abdallah Banda Abakaer Nourain* pursuant to article 87(7)of the Rome Statute", 16 October 2015, ICC-02/05-03/09-636-Conf, ICC-02/05-03/09-636-Red.

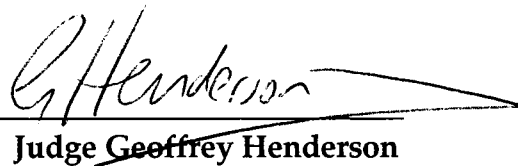
Done in both English and French, the English version being authoritative.



Judge Joyce Aluoch



Judge Cfile Eboe-Osuji



Judge Geoffrey Henderson

Dated this 19 October 2015

At The Hague, The Netherlands