



Original: English

**No. ICC-02/05-03/09
Date: 29 June 2021**

TRIAL CHAMBER IV

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

SITUATION IN DARFUR, SUDAN

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

Public

Order on the Recusal of the Prosecutor from the Current Case

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

The Office of the Prosecutor
Mr James Stewart

Counsel for the Defence
Mr Charles Achaleke Taku

Legal Representatives of Victims
Ms Helene Cissé
Mr Jens Dieckmann

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**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
Mr Peter Lewis

Counsel Support Section
Mr Esteban Peralta Losilla

Victims and Witnesses Unit
Mr Nigel Verrill

Detention Section
Mr Harry Tjonk

**Victims Participation and Reparations
Section**
Mr Philip Ambach

Other

TRIAL CHAMBER IV ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain*, issues this Order on the Recusal of the Prosecutor from the Current Case.

1. On 21 June 2021, the Office of the Prosecutor advised the Chamber that the current Prosecutor has recused himself from the proceedings in this case, pursuant to Article 42(7) of the Statute. It further explained that the Deputy Prosecutor will perform all the acts that the Prosecutor would have to carry out in the present case, pursuant to Article 42(2) of the Statute.
2. Noting the importance of transparency and to ensure the proper conduct of the proceedings, the Chamber considers it necessary to put the matter on the public record of the case and explain what effects it attaches to the recusal.
3. The Chamber understands that as a consequence of his recusal, the Prosecutor will (i) not have access to any non-public filings in the record of the case; (ii) not have access to any non-public evidence submitted in the record of the case; and (iii) not be involved in any discussion or decision on a substantial or administrative level related to the case. Further, the Chamber considers that the Deputy Prosecutor will replace the Prosecutor and perform any of his functions for the purposes of this case.

FOR THESE REASONS, THE CHAMBER HEREBY

TAKES NOTE of the Prosecutor's recusal in the current case and attaches the consequences to this recusal as described above.

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



Judge Kimberly Prost
Presiding Judge



Judge Reine Alapini-Gansou



Judge María del Socorro Flores Liera

Dated this 29 June 2021

At The Hague, The Netherlands