

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

**No. ICC-02/05-03/09
Date: 15 September 2023**

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**

Confidential, *ex parte*, only available to the Prosecution and the Registry

Order directing the Registry and the Prosecution to provide updates

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

The Office of the Prosecutor
Nazhat Shameem Khan

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar
Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

TRIAL CHAMBER IV (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain*, issues this ‘Order directing the Registry and the Prosecution to provide updates’.

1. The Chamber recalls the procedural history set out in its ‘Decision to end mandated facilitation discussions and reports by the Registry’ (the ‘Initial Decision’).¹
2. The Chamber observes that since the issuance of the Initial Decision it has not received any written updates from the Registry or the Office of the Prosecutor regarding Mr Banda’s whereabouts.
3. The Chambers reiterates that Mr. Banda, as the subject of a warrant of arrest, remains a fugitive from justice. Recalling the previous orders of the Chamber requiring renewed efforts to execute the Warrant of Arrest,² the Chamber orders the following to be filed by 28 September:

- A. A written update from the Office of the Prosecutor³ regarding any information as to the suspected whereabouts of Mr. Banda and an outline of the efforts being made to secure his arrest; and
- B. A written update from the Registry regarding any information as to the suspected whereabouts of Mr. Banda and an outline of the efforts being made to secure his arrest.

¹ Decision to end mandated facilitation discussions and reports by the Registry, ICC-02/05-03/09-705-Conf-Exp, 21 July 2021. The Defence’s request to reconsider this decision was rejected, see Decision on the Defence’s request regarding the Decision to end mandated facilitation discussions and reports by the Registry, ICC-02/05-03/09-709-Conf-Exp, 24 August 2021.

² Warrant of arrest for Abdallah Banda Abakaer Nourain, ICC-02/05-03/09-606. The Appeals Chamber confirmed the decision to issue the arrest warrant on 3 March 2015, see Judgment on the appeal of Mr Abdallah Banda Abakaer Nourain against Trial Chamber IV’s issuance of a warrant of arrest, ICC-02/05-03/09-632-Conf (a public redacted version was filed on the same date, ICC-02/05-03/09-632-Red).

³ See Order on the Recusal of the Prosecutor from the Current Case, ICC-02/05-03/09-704, 29 June 2021.



Judge Kimberly Prost
Presiding Judge



Judge Reine Alapini-Gansou



Judge María del Socorro Flores Liera

Dated this **15 September 2023**

At The Hague, The Netherlands