

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



**Original: English**

**No. ICC-02/05-03/09  
Date: 12 December 2025**

**TRIAL CHAMBER IV**

**Before:** Judge Kimberly Prost, Presiding Judge  
Judge Keebong Paek  
Judge Nicolas Guillou

**SITUATION IN DARFUR, SUDAN**

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

**Confidential**

**Order on matters arising from the status conference of 8 December 2025**

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

- ☒ **The Office of the Prosecutor**
- ☒ **Counsel for the Defence**
- ☒ **Legal Representatives of the Victims**
- ☐ **Legal Representatives of the Applicants**
- ☐ **Unrepresented Victims**
- ☐ **Unrepresented Applicants  
(Participation/Reparation)**
- ☐ **The Office of Public Counsel for Victims**
- ☐ **The Office of Public Counsel for the  
Defence**
- ☐ **States' Representatives**
- ☐ **Amicus Curiae**

**REGISTRY**

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- Registrar**  
Mr 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*, pursuant to Rule 132(2) of the Rules of Procedure and Evidence (‘Rules’), issues this ‘Order on matters arising from the status conference of 8 December 2025’.

1. The Chamber recalls the procedural history as set out in its ‘Order adding items to the agenda for the status conference’, issued on 2 December 2025.<sup>1</sup> In that order, the Chamber rejected the Defence’s request concerning legal aid, noting that such matters must first be addressed through the ordinary procedures before the Registry, in accordance with regulation 83(1) of the Regulations of the Court. The Chamber granted the Defence’s request to convene an *ex parte* session with the Registry immediately following the *inter partes* session.
2. On 8 December 2025, the Chamber held a Status Conference with the Prosecutor, the Defence, the Registry and the Legal Representative of Victims (‘LRV’), and received relevant submissions on the agenda items described in the Chamber’s order.<sup>2</sup> The Chamber thereafter held an *ex parte* session with the Registry and the Defence.<sup>3</sup> In order to facilitate the fair and expeditious conduct of the proceedings, the Chamber finds it appropriate to issue further directions and rule upon matters arising from these status conferences.
3. First, the Chamber notes the LRV’s request for assistance from the Court to adequately respond to the Prosecution’s Request to withdraw the charges against Abdallah Banda Abakaer Nourain (‘Reconsideration Request’).<sup>4</sup> Further noting the Registry’s willingness to support the LRV, the Chamber urges the Registry, at this stage, to ensure that adequate resources are appropriately augmented and made available to the LRV to facilitate its effective compliance with the Chamber’s Order.
4. Second, the Chamber notes the LRV’s request to issue public redacted versions of the recent reclassified documents to facilitate consultation with her clients.<sup>5</sup> The Chamber

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<sup>1</sup> Order adding items to the agenda for the status conference, 2 December 2025, ICC-02/05-03/09-757-Conf.

<sup>2</sup> *Prosecutor v. Abdallah Banda Abakaer Nourain*, ICC-02/05-03/09-T-029-CONF-ENG, 8 December 2025 (T-029).

<sup>3</sup> *Prosecutor v. Abdallah Banda Abakaer Nourain*, ICC-02/05-03/09-T-30-CONF-ENG, 8 December 2025 (T-030).

<sup>4</sup> T-029, p. 25.

<sup>5</sup> T-029, p. 24. The reclassified filings are the following: 723-725, 727-732, 734-735, 737-738, 741, 746-747, 749, 751, 752. Additionally, the parties provided confidential redacted versions of the following filings: 733, 739-740, 742-745, 750.

recalls that this Chamber, in a prior composition, instructed the LRV as follows: '[the LRV] shall not communicate confidential information to her clients, or anyone else who is not authorised to receive it, without the permission of the Chamber'.<sup>6</sup> Having considered the nature of the filings involved, the Chamber authorises the LRV to discuss with her clients the content of the reclassified filings related to (i) the Defence's Request to convert the arrest warrant into a summons to appear and, (ii) the Prosecution's Request of Reconsideration to withdraw the charges. The LRV shall comply with the following conditions when disclosing the information: (i) only disclose information that is directly and specifically necessary for the preparation of its submissions; and (ii) explain to her clients the confidential nature of the information and caution them that it shall not be reproduced or further disclosed, in whole or in part'.<sup>7</sup> Given this, the Chamber finds it unnecessary to issue public redacted versions of the aforesaid filings as requested by the LRV at this time.

5. Additionally, noting the nature of the LRV's submissions at the status conference, the Chamber reminds the Prosecution of its statutory obligations, in particular under Article 54(1)(b) of the Statute to '[t]ake appropriate measures to ensure the effective investigation and prosecution of the crimes within the jurisdiction of the Court [...] respect[ing] the interest and personal circumstances of the victims and witnesses'. The Chamber, therefore, recommends that the Prosecutor further engage with the LRV to meaningfully address their concerns.
6. The Chamber notes the submissions of the parties and participants regarding agenda item E, entitled 'Timing and modalities to respond to the Prosecution's Reconsideration Request'. Additionally, the Chamber notes the reclassification to confidential of the Defence's Request for the Conversion of the Arrest Warrant into a Summons to Appear.<sup>8</sup> The Chamber, therefore, orders the LRV to file her submissions on both requests by 26

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<sup>6</sup> Decision on the participation of victims in the trial proceedings, 20 March 2014, ICC-02/05-03/09-545, para. 38.

<sup>7</sup> Decision adopting an updated protocol on the handling of confidential information and contact with witnesses, 18 May 2022, ICC-02/05-01/20-691. *See also*, Decision on adoption of a Protocol on the Handling of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or a Participant, 12 December 2014, ICC-01/04-02/06-412.

<sup>8</sup> Order on the re-classification and redaction of prior submissions, decisions and transcripts, ICC-02/05-03/09-753-Conf. On 21 November 2025, the Chamber, via an email decision, clarified that the reclassification also applied to the Prosecution's file 752. The Chamber also ordered the reclassification as confidential of several filings (746, 747, 749) and order the parties to file redacted versions of filings 742, 743, 745, 750, 751. (*See* email decision of 24 November 2025, 4:54pm).

March 2025, COB. The Chamber further orders the Prosecution and the Defence to file their replies on 2 April 2026, COB.

**FOR THESE REASONS, THE CHAMBER HEREBY**

**URGES** the Registry at this stage, to ensure that adequate resources are appropriately augmented and made available to the LRV to facilitate its effective compliance with the Chamber’s Order.

**AUTHORISES** the LRV to share information with her clients with the conditions set out in paragraph four above.

**ORDERS** the LRV to file her submissions on (i) the Defence’s Request for the Conversion of the Arrest Warrant into a Summons to Appear and (ii) the Prosecution’s Request of Reconsideration to withdraw the charges by 26 March 2025, COB.

**ORDERS** the Office of the Prosecutor and the Defence to file their replies to the LRV submissions by 2 April 2026, COB.

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



**Judge Kimberly Prost**  
**Presiding Judge**



**Judge Keebong Paek**



**Judge Nicolas Guillou**

Dated this **12 Decembre 2025**  
At The Hague, The Netherlands