

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-02/05-03/09
Date: 2 April 2026**

TRIAL CHAMBER IV

Before: Judge Kimberly Prost, Single Judge

SITUATION IN DARFUR, SUDAN

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

Confidential

**Decision on the Prosecution's request for an extension of time to provide access
to witnesses statements**

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

-
- Registrar**
Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**
- ☐ **Victims and Witnesses Unit**
- ☐ **Detention Section**
- ☐ **Victims Participation and Reparations
Section**
- ☐ **Other**

Judge Kimberly Prost, acting as Single Judge on behalf of Trial Chamber IV (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain*, pursuant to Regulation 35(2) of the Regulations of the Court (the ‘Regulations’), issues this ‘Decision on the Prosecution’s request for an extension of time to provide access to witnesses statements’.

1. The Single Judge recalls the procedural history as set out in the Chamber’s ‘Decision on the Legal Representative of Victims’ [the ‘LRV’] request for access to material referenced in the Prosecution’s request to withdraw charges’ issued on 25 March 2026 (the ‘Access Decision’).¹ In that Decision, the Chamber ordered the Prosecution to provide access to the statements of several witnesses (the ‘Witnesses Statements’) and to a report produced by an external adviser (the ‘Report’) to the parties and participants, after completing any required security assessments and applying the necessary redactions, by 2 April 2026. It also extended the deadline for the LRV to file submissions, regarding the Defence’s request to convert the arrest warrant against Mr Banda to a summons to appear (the ‘Defence’s Conversion Request’)² and the Prosecution’s renewed request to withdraw the charges, to 17 April 2026, and for the Prosecution and Defence to file any responses thereto to 24 April 2026.³
2. On 1 April 2026, the Prosecution sought a two-week extension of time to provide access to the Witnesses Statements, in order to fully complete all aspects of the required security assessments in relation to the witnesses (the ‘Prosecution Request’).⁴
3. On 2 April 2026, the Defence requested that the deadline for the LRV submissions in relation to the Defence’s Conversion Request be maintained (the ‘Defence Request’), and deferred to the Chamber’s discretion for the other matters.⁵

¹ Decision on the Legal Representative of Victims’ request for access to material referenced in the Prosecution’s request to withdraw charges, ICC-02/05-03/09-767-Conf, paras 1-10. *See also* Requête des Représentants Légaux Communs aux fins d’accéder aux éléments de preuve confidentiels cités par le Bureau du Procureur au soutien de ses requêtes aux fins de retrait des charges (ICC-02/05-03/09-727) et en réexamen (ICC-02/05-03/09-752), 18 March 2026, ICC-02/05-03/09-764-Conf (notified on 19 March 2026).

² Defence Request for the Conversion of the Arrest Warrant against General Banda into a Summons to Appear, 3 October 2025, ICC-02/05-03/09-742-Conf-Exp (confidential redacted version, ICC-02/05-03/09-742-Conf-Red, notified on 25 November 2025).

³ Access Decision, ICC-02/05-03/09-767-Conf, p. 8.

⁴ Prosecution request for a partial extension of time pursuant to Regulation 35(2), ICC-02/05-03/09-768-Conf (due to a technical issue, the filing was notified on 2 April 2026).

⁵ Email from the Defence, 2 April 2026, at 12:44.

4. Pursuant to Regulation 35(2) of the Regulations, a chamber may extend a time limit at the request of a participant 'if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard'.
5. At the outset, considering Regulation 35(2) of the Regulations, as well as the timing of the Prosecution Request and its potential impact on the deadlines set in the Access Decision, the Single Judge finds it necessary to decide on the Prosecution Request without receiving views from all participants.
6. Having regard to the reasons invoked by the Prosecution,⁶ and considering the Court's duty under Article 68 of the Rome Statute to protect victims and witnesses, the Single Judge is satisfied that good cause has been shown. Accordingly, she grants the Prosecution Request, but considers it appropriate to instruct the Prosecution to provide access to the Witnesses Statements to the parties and participants on a rolling basis, and no later than 16 April 2026.
7. The Single Judge further notes that while the Report was provided to the parties and participants via email on 1 April 2026,⁷ it should also be filed formally on the record as soon as practicable, and no later than 16 April 2026.
8. Considering the above, the Single Judge extends the deadline for the LRV to file her submissions to Friday, 1 May 2026, COB and for the Prosecution and Defence to file any responses thereto to Friday, 8 May 2026, COB. The Single Judge finds it appropriate to receive joint submissions in relation to both filings, and rejects the Defence Request in that regard.

⁶ Prosecution Request, ICC-02/05-03/09-768-Conf, para. 3.

⁷ Prosecution Request, ICC-02/05-03/09-768-Conf, paras 4-5; email from the Prosecution, 1 April 2026, at 16:29.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Prosecution Request;

REJECTS the Defence Request;

ORDERS the Prosecution to provide access to the Witnesses Statements to the parties and participants following completion of the required security assessments on a rolling basis, and no later than Thursday, 16 April 2026, COB;

ORDERS the Prosecution to formally file the Report on the record as soon as practicable, and no later than Thursday, 16 April 2026, COB; and

EXTENDS the deadline for the LRV to file her submissions to Friday, 1 May 2026, COB and for the Prosecution and Defence to file any responses thereto to Friday, 8 May 2026, COB.

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



Judge Kimberly Prost

Single Judge

Dated this **2 April 2026**
At The Hague, The Netherlands