

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/05-03/09**

Date: **16 April 2026**

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 with Confidential Annex 1

**Prosecution's notification of the disclosure of material and filing of the external adviser
report on 16 April 2026**

Source: Office of the Prosecutor

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

- | | |
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| ☒ 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
Osvaldo Zavala Giler | ☐ Counsel Support Section |
| ☐ Victims and Witnesses Unit | ☐ Detention Section |
| ☐ Victims Participation and Reparations Section | ☐ Other |

I. INTRODUCTION

1. The Prosecution hereby notifies Trial Chamber IV ("Chamber") of the disclosure of material in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain*, pursuant to articles 64(3)(c) and 67(1)(a) and (b) of the Rome Statute, and rule 77 of the Rules of Procedure and Evidence. Such disclosure is pursuant to the Chamber's decision of 25 March 2026,¹ as well as the decision of the Single Judge of Pre-Trial Chamber IV on 2 April 2026 ("Decision").²

2. In addition, pursuant to the Decision by the Single Judge on 2 April 2026,³ the Prosecution hereby files on record a copy of the external adviser report.⁴

II. CLASSIFICATION

3. Pursuant to regulation 23bis(2) of the Regulations of the Court, this notification is classified as confidential, as it refers to filings which bear the same classification.

III. SUBMISSIONS

Witness Statements and/or Related Items

4. On 16 April 2026, the Prosecution disclosed two packages to the parties and participants:

- a. Trial Rule 77 Package 29 16 April 2026, containing 19 items related to 4 witnesses;⁵ and
- b. Trial Rule 77 METADATA UPDATE PACKAGE 16 April 2026,

¹ Decision on the Legal Representative of Victims' request for access to material referenced in the Prosecution's requests to withdraw charges, 25 March 2026, [ICC-02/05-03/09-767-Conf](#), p. 8. The Prosecution notes that the original request for disclosure from the Legal Representative of the Victims included a reference to witness DAR-OTP-P-0521. However, as this individual has no relation to the present case, the Prosecution believes that this reference was in error. *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](#), para. 12.

² Decision on the Prosecution's request for an extension of time to provide access to witnesses statements, 2 April 2026, [ICC-02/05-03/09-769-Conf](#), p. 5 ("Decision").

³ [Decision](#), para. 7.

⁴ Annex 1.

⁵ DAR-OTP-P-0308, DAR-OTP-P-0512, DAR-OTP-P-1840, and DAR-OTP-P-0441.

containing 13 items related to 2 witnesses.⁶

5. The Prosecution has consulted with the Defence for Mr Banda and the Legal Representatives of the Victims in relation to this disclosure. Whilst many of these items related to witnesses DAR-OTP-P-0441 and DAR-OTP-P-0477 were previously disclosed by the Prosecution,⁷ they do not currently appear in NUIX/JEM, and accordingly are being re-released.⁸

6. With respect to redactions, in relation to the witness statements for witnesses DAR-OTP-P-0308, DAR-OTP-P-0512 and DAR-OTP-P-1840 which have not previously been disclosed, the Prosecution applied “identity” redactions following internal security assessments. The Prosecution notes that it has made minor amendments to the latest e-court protocol⁹ by redacting the chain of custody and source code fields for these items without applying pseudonyms as, due to the suspension of proceedings, these are not currently in place.

External Adviser Report

7. As noted above, the Prosecution also hereby files on record a copy of the external adviser report,¹⁰ which was previously circulated to the parties and participants by email on 1 April 2026.¹¹

⁶ DAR-OTP-P-0441 and DAR-OTP-P-0477.

⁷ These items were disclosed in Trial Rule 77 package 6 20 April 2012; Trial Rule 77 package 12 02 May 2013; Trial Rule 77 package 13 02 May 2013; Trial INCRIM package 61 04 July 2014; Trial INCRIM package 63 11 July 2014; and Trial PEXO package 13 25 July 2014.

⁸ For the avoidance of doubt, the items that are being re-released with updated metadata are the following: DAR-OTP-0192-0271; DAR-OTP-0192-0296; DAR-OTP-0192-0320; DAR-OTP-0192-0339; DAR-OTP-0192-0347; DAR-OTP-0192-0523; DAR-OTP-0192-0543; DAR-OTP-0192-0564; DAR-OTP-0192-0579; DAR-OTP-0192-0591; DAR-OTP-0192-0612; DAR-OTP-0192-0627; and DAR-OTP-0193-0048. The items that are being re-released with updated metadata and re-applied redactions are the following: DAR-OTP-0171-0594; DAR-OTP-0173-0364; DAR-OTP-0173-0389; and DAR-OTP-0193-0062.

⁹ Registry Submission of the Unified Technical Protocol for the provision of evidence, witness and victims information in electronic form (‘E-Court Protocol’), 14 April 2026, [ICC-02/05-03/09-770](#).

¹⁰ Annex 1.

¹¹ Email from the Prosecution to the Parties and Participants on 1 April 2026 at 16:29.



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 16th day of April 2026,

At The Hague, The Netherlands