

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 July 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

Public

Redacted version of the "Transmission of Observations from the Republic of Sudan pursuant to Order ICC-02/05-03/09-746-Conf-Exp", 4 November 2025, ICC-02/05-03/09-747-Conf

Source: The Registry

Document 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

I. Introduction

1. This report is submitted in the context of the implementation of the "Order inviting the competent authorities of the Republic of Sudan to provide observations" ("Order") issued by Trial Chamber IV ("Chamber") on 24 October 2025.¹

II. Procedural history

2. On 3 October 2025, the Defence requested the Chamber to convert the Arrest Warrant against Mr Banda into a Summons to Appear ("Request").²
3. On 16 October 2025, the Office of the Prosecutor submitted its response to the Defence's Request, indicating that it does not object to the Request, "subject to the relevant assurances being placed on the record by the Government of Sudan".³
4. On 23 October 2025, the Defence requested the Chamber to invite observations from the Government of the Republic of the Sudan on the Defence's Request.⁴
5. On 24 October 2024, the Chamber issued its Order, in which it invited the authorities of the Republic of Sudan to provide written observations on the Defence's Request by 10 November 2025.⁵

III. Classification

6. Pursuant to regulation 23bis(2) of the Regulations of the Court ("RoC"), this report and its annexes are classified confidential *ex parte* only available to the

¹ Trial Chamber IV, "Order inviting the competent authorities of the Republic of Sudan to provide observations", 24 Octobre 2025, ICC-02/05-03/09-746-Conf-Exp.

² Defence Counsel, "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.

³ Prosecution, "Prosecution's response to '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", 16 October 2025, ICC-02/05-03/09-743-Conf-Exp.

⁴ Defence Counsel, "Defence Request for Observations from the Government of the Republic of the Sudan on Defence Request ICC-02/05-03/09-742-CONF-EXP", 23 October 2025, ICC-02/05-03/09-745-Conf-Exp.

⁵ Trial Chamber IV, "Order inviting the competent authorities of the Republic of Sudan to provide observations", 24 Octobre 2025, ICC-02/05-03/09-746-Conf-Exp.

Prosecution, the Defence, the Registry, and the competent authorities of the Republic of Sudan as they refer to a documents registered with the same classification level and as they refer to information related to communications from State authorities containing sensitive information.

IV. Applicable law

7. The following provisions are of particular relevance to the present submission: article 64(6)(f) of the Rome Statute and rule 13 of the Rules of Procedure and Evidence.

V. Submissions

8. On 25 October 2025, the Registry transmitted the Chamber's Order accompanied by the Registry's note verbale.⁶ The said documents were transmitted to the designated focal point of the Republic of Sudan ("Focal Point").
9. On 2 November 2025, the Registry received an email from the Focal Point which contained observations from the Sudanese authorities pursuant to the Chamber's Order ("Observations"). The Observations indicate, *inter alia*, that [REDACTED].⁷
10. In addition, the Focal Point indicated in its Observations that [REDACTED],⁸ [REDACTED].⁹

⁶ Annex I.

⁷ Annex II.

⁸ *Idem*.

⁹ Annex II.

11. The following documents are hereby annexed to the present transmission:

- Annex I: Registry's Note verbale to the Republic of Sudan; and
- Annex II: Observations from the Sudanese authorities.

p.p.



Marc Dubuisson, Director, Division of Judicial Services

on behalf of

Oswaldo Zavala Giler, Registrar

Dated this 10 July 2026

At The Hague, The Netherlands