

**Cour
Pénale
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**International
Criminal
Court**

Original: **English**

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

Date: **14 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***

Confidential, with Confidential Annexes 1 to 3

Prosecution's submissions pursuant to "Decision on the Prosecution's request for reconsideration and the Defence's request to convert the warrant of arrest into a summons to appear"

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

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

I. INTRODUCTION

1. On 26 June 2026, Trial Chamber IV ("Chamber") granted the Prosecution's request for reconsideration, authorising the withdrawal of charges against Mr Abdallah Banda Abakaer Nourain, and scheduled a public status conference for 21 July 2026. In advance of this hearing, the Chamber ordered the Parties and Participants to consult amongst themselves to file public redacted versions or request public re-classification of their previous submissions related to the request to withdraw the charges by 13 July ("Order"),¹ which was subsequently extended to 14 July 2026.²

II. CLASSIFICATION

2. Pursuant to regulation 23bis(2) of the Regulations of the Court, this Request is classified as confidential, as it responds to a filing with the same classification. Upon public re-classification of the materials referenced herein, this Request can be re-classified as public, with the attached Annexes remaining confidential.

III. SUBMISSIONS

3. Pursuant to the Order, the Prosecution respectfully submits the below information for the Chamber's consideration.

Redactions that are agreed

4. First, the Prosecution notifies the Chamber that today it has filed public redacted versions of ten filings related to the request to withdraw the charges. The redactions that have been applied, with the agreement of the Defence for Mr Banda, Legal Representatives of the Victims ("LRV"), and Registry, relate to witness identifying information and sensitive information regarding the Prosecution's

¹ Decision on the Prosecution's request for reconsideration and the Defence's request to convert the warrant of arrest into a summons to appear, [ICC-02/05-03/09-777-Conf](#) ("Order"), para. 29(a). In addition, the Chamber determined that, upon notification of the Prosecution's notice of withdrawal of charges and resulting termination of proceedings, an arrest warrant for Mr Banda will no longer be necessary. The Chamber therefore did not rule on the Defence request to convert the arrest warrant into a summons to appear. [Order](#), para. 30.

² Email from Trial Chamber IV to the Parties and Participants on 10 July 2026 at 16:51.

ongoing investigations and operations. The public redacted versions are for the following ten filings:³

- a. Prosecution request to withdraw the charges against Abdallah Banda Abakaer Nourain and Response to Order directing the Registry and the Prosecution to provide updates, ICC-02/05-03/09-727-Conf;
- b. Update, ICC-02/05-03/09-729-Conf;
- c. Annex B to "Prosecution's outline of briefing to the Trial Chamber", ICC-02/05-03/09-733-Conf-AnxB-Red;
- d. Prosecution's response to "Order instructing the Prosecution and the Registry to provide updates", ICC-02/05-03/09-739-Conf-Red;
- e. Update on investigative steps, ICC-02/05-03/09-741-Conf;
- f. 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, ICC-02/05-03/09-743-Conf-Red;
- g. Urgent Prosecution request for reconsideration of the "Reconsideration of the Decision on the Prosecution's Request to withdraw the charges against Abdallah Banda Abakaer Nourain", ICC-02/05-03/09-752-Conf;
- h. Prosecution response to the LRV's request for access, ICC-02/05-03/09-765-Conf;
- i. Annex 1 to the Prosecution's notification of the disclosure of material and filing of the external adviser report on 16 April 2026, ICC-02/05-03/09-771-Conf-Anx1; and

³ The Prosecution has filed these public redacted versions, which contain references to decisions currently classified as confidential, directly without seeking further leave from the Chamber pursuant to instructions from the Single Judge on 13 July 2026. Email from the Single Judge to the Parties and Participants on 13 July 2026 at 15:58.

- j. Prosecution consolidated response to “Observations des Représentants Légaux des Victimes sur la Requête du Procureur ICC-02/05-03/09-752-Conf en Reconsidération de la « Décision (2ème Décision) sur sa demande aux fins de retrait des charges contre Abdallah Banda Abakaer Nourain »” and “Submissions of the Legal Representatives for Victims on ‘Defence’s Request for the Conversion of the Arrest Warrant into a Summons to Appear’ filed on 3 October 2025”, ICC-02/05-03/09-776-Conf.

5. The Prosecution further informs the Chamber that public redacted versions of the following three transcripts have been agreed with the Defence, LRV, and Registry, and will be processed by the Registry shortly:

- a. Transcript of Hearing on 7 February 2024, ICC-02/05-03/09-T-028-CONF-Red-ENG;
- b. Transcript of Hearing on 8 December 2025, ICC-02/05-03/09-T-029-CONF-ENG; and
- c. Transcript of *Ex Parte* Hearing on 8 December 2025, ICC-02/05-03/09-T-030-CONF-ENG.

Redactions that are not agreed

6. Second, the Prosecution notes that it sought agreement with the Defence, LRV, and Registry regarding all of its proposed redactions. It was however unable to reach agreement with the LRV regarding the application of redactions to one Prosecution filing and two LRV filings.

7. The areas in which agreement was not reached pertain to the Prosecution’s proposed redactions to information about witnesses that, in context, is identifying and thus endangers their security. This includes information pertaining to their occupations, group affiliation, and participation in meetings with a limited number of individuals. The Prosecution submits that the public, and in turn the victims, are

sufficiently informed as to the circumstances underpinning the request to withdraw the charges without disclosing the limited amount of information that is currently redacted.

8. Accordingly, the Prosecution respectfully seeks the Chamber's authorisation for the following redactions to be applied, indicated as highlights in the attached Annexes:

- a. Prosecution's outline of briefing to the Trial Chamber, ICC-02/05-03/09-733-Conf;⁴
- b. Submissions of the Legal Representatives for Victims on 'Defence's Request for the Conversion of the Arrest Warrant into a Summons to Appear' filed on 3 October 2025, ICC-02/05-03/09-772-Conf;⁵ and
- c. Observations des Représentants Légaux des Victimes sur la Requête du Procureur ICC-02/05-03/09-752-Conf en Reconsidération de la « Décision (2ème Décision) sur sademande aux fins de retrait des charges contre Abdallah Banda Abakaer Nourain », ICC-02/05-03/09-773-Conf.⁶

Re-classification requests

9. Third, as agreed with the Defence, LRV, and Registry, the Prosecution respectfully requests that the Chamber authorise the re-classification of the following eight filings related to the request to withdraw the charges from confidential or confidential redacted to public:

- a. Prosecution's request under Regulation 35 for an extension of time to file a written update, ICC-02/05-03/09-724-Conf;

⁴ For the proposed redactions in a public redacted version, see confidential Annex 1.

⁵ For the proposed redactions in a public redacted version, see confidential Annex 2.

⁶ For the proposed redactions in a public redaction version, see confidential Annex 3.

- b. Prosecution's application for leave to appeal the "Decision on the Prosecution's request to withdraw the charges against Abdallah Banda Abakaer Nourain", ICC-02/05-03/09-730-Conf;
- c. Annex A to "Prosecution's outline of briefing to the Trial Chamber", ICC-02/05-03/09-733-Conf-AnxA-Red;
- d. Prosecution's application for leave to appeal the "Reconsideration of the Decision on the Prosecution's request to withdraw the charges against Abdallah Banda Abakaer Nourain", ICC-02/05-03/09-735-Conf;
- e. Additional update on investigative steps, ICC-02/05-03/09-744-Conf-Red;
- f. Urgent Prosecution request for the re-classification and redaction of prior submissions, decisions and transcripts, ICC-02/05-03/09-751-Conf;
- g. Prosecution request for a partial extension of time pursuant to Regulation 35(2), ICC-02/05-03/09-768-Conf; and
- h. Prosecution's notification of the disclosure of material and filing of the external adviser report on 16 April 2026, ICC-02/05-03/09-771-Conf.

10. In addition, as agreed with the Defence, LRV, and Registry, the Prosecution has identified four annexes to filings referenced above that are currently classified confidential, *ex parte*. The Prosecution requests that the Chamber authorise the re-classification of these annexes from confidential, *ex parte*, to confidential, because they contain sensitive information related to the tracking of suspects including sources and methods and, as such, cannot be made public. These four annexes are the following:

- a. Annex A(i) to Prosecution's response to "Order instructing the Prosecution and the Registry to provide updates", ICC-02/05-03/09-739-Conf-Exp-AnxA(i);

- b. Annex A(ii) to Prosecution's response to "Order instructing the Prosecution and the Registry to provide updates", ICC-02/05-03/09-739-Conf-Exp-Anx-A(ii);
- c. Annex B(i) to Prosecution's response to "Order instructing the Prosecution and the Registry to provide updates", ICC-02/05-03/09-739-Conf-Exp-AnxB(i); and
- d. Annex B(ii) to Prosecution's response to "Order instructing the Prosecution and the Registry to provide updates", ICC-02/05-03/09-739-Conf-Exp-AnxB(ii).



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 14th day of July 2026

At The Hague, The Netherlands