

**Cour  
Pénale  
Internationale**



**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***

**Public**

**Public redacted version of Confidential redacted version of “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”, 25 November 2025, ICC-02/05-03/09-743-Conf-Red**

**Source:** Office of the Prosecutor

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

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**Registrar**

Oswaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and  
Reparations Section

☐ Other

## I. INTRODUCTION

1. On 3 October 2025, the Defence for Mr Abdallah Banda Abakaer Nourain (“Mr Banda”) filed a request to convert the warrant of arrest for Mr. Banda into a summons to appear (“Request”).<sup>1</sup> The Prosecution does not object to the Request, subject to the relevant assurances being placed on the record by the Government of Sudan (“GoS”).

## II. CLASSIFICATION

2. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, the Prosecution files this update as confidential, *ex parte*, only available to the Defence, the Republic of the Sudan and the Registrar, because it is a response to a filing with the same classification.

## III. SUBMISSIONS

3. At the outset, the Prosecution notes that Mr Banda has absconded from justice since September 2014, the originally scheduled commencement of his trial. In the intervening period, the Defence has given various different reasons why Mr Banda is unable to surrender himself to the Court despite his ostensible willingness to do so. These reasons have included a lack of proper travel documentation [REDACTED].<sup>2</sup> As the Prosecution has previously observed, none of these rationales have been compelling.<sup>3</sup>

4. In the present Request, the Defence has alleged that Mr Banda’s circumstances have changed such that his appearance at trial would be possible, should the arrest warrant be converted to a summons to appear. The Defence has outlined five proposed measures that will allegedly facilitate Mr Banda’s appearance under these circumstances, [REDACTED].<sup>4</sup>

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<sup>1</sup> Defence Request for the Conversion of the Arrest Warrant against General Banda into a Summons to Appear, [ICC-02/05-03/09-742-Conf-Exp](#) (“Request”).

<sup>2</sup> Defence Request for the Conversion of the Arrest Warrant against Mr Banda into a Summons to Appear, [ICC-02/05-03/09-710-Conf-Red](#), paras. 15-16; [Request](#), para. 27.

<sup>3</sup> See e.g. Prosecution’s response to the “Defence request for the Conversion of the Arrest Warrant against Mr Banda into a Summons to Appear”, 12 November 2021, ICC-02/05-03/09-710-Conf-Exp, [ICC-02/05-03/09-711-Conf-Red](#). See also Decision on the Defence request to convert the warrant of arrest into a summons to appear, [ICC-02/05-03/09-712-Conf-Exp](#).

<sup>4</sup> [Request](#), para. 23(a) and (b).

5. In the unique circumstances of the case at hand, the Prosecution does not, in principle, object to the request. This position, however, is subject to the relevant assurances being placed on the record by the Government of Sudan ("GoS"), [REDACTED]. The Prosecution stresses that its position in this context is confined to the unique circumstances currently before the Chamber in the context of the case against Mr. Banda and does not establish any precedent in relation to any other suspect in any situation.

6. The Prosecution notes that Mr. Banda must be present during the trial, per article 63(1) of the Rome Statute, subject only to the limited exceptions set out in rules 134 *bis* and *ter* of the Rules of Procedure and Evidence.

#### IV. CONCLUSION

7. The Prosecution does not object to the Request, subject to the relevant assurances being placed on the record by the Government of Sudan.



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Nazhat Shameem Khan  
Deputy Prosecutor

Dated this 14<sup>th</sup> day of July 2026

At The Hague, The Netherlands