



Original: English

No. ICC-02/05-03/09

Date of original: 2 December 2025

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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

Order adding items to the agenda for the status conference

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

TRIAL CHAMBER IV (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain*, pursuant Rule 132(2) of the Rules of Procedure and Evidence (‘Rules’), issues this ‘Order adding items to the agenda for the status conference’.

1. On 3 October 2025, the Defence filed a request to convert the arrest warrant issued on 11 September 2014 against Mr Banda to a summons to appear.¹
2. On 6 November 2025, the Chamber issued an *ex parte* ‘Order scheduling a status conference’, setting out a preliminary agenda and inviting the parties to suggest any additional items by 10 November 2025.²
3. On 10 November 2025, the Defence filed a request to add additional items to agenda of the status conference, namely: (i) issues related to remuneration for legal work performed in October and November 2025; (ii) issues related to a travel request/reimbursement from September 2025; and (iii) requesting an *ex parte* hearing with the Registry only to discuss issues related to its investigations (‘Defence’s First Request on agenda items’).³
4. On 12 November 2025, the Prosecution filed: (i) a request for the re-classification and redaction of prior submissions, decisions and transcripts⁴ (‘Reclassification Request’) and, (ii) a request seeking the reconsideration of the ‘Reconsideration of the Decision on the Prosecution’s Request to withdraw the charges against Abdallah Banda Abakaer Nourain’ (‘Reconsideration Request’).⁵

¹ 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.

² Order scheduling a status conference, 6 November 2025, ICC-02/05-03/09-749-Conf-Exp.

³ Defence Request for Additional Items for the Status Conference on 18 November 2025, 10 November 2025, ICC-02/05-03/09-750-Conf-Exp.

⁴ Prosecution request for the re-classification and redaction of prior submissions, decisions and transcripts, 12 November 2025, ICC-02/05-03/09-751-Conf-Exp.

⁵ Prosecution request for reconsideration of the “Reconsideration of the Decision on the Prosecution’s Request to withdraw the charges against Abdallah Banda Abakaer Nourain”, 12 November 2025, ICC-02/05-03/09-752-Conf-Exp

5. On 14 November 2025, the Chamber, pursuant to Regulation 23*bis* of the Regulations of the Court (the ‘Regulations’), issued an ‘Order on the re-classification and redaction of prior submissions, decisions and transcripts’.⁶
6. On 14 November 2025, in light of the reclassification of several filings on the record as confidential, the Chamber decided to postpone the status conference to a later date to ensure that the Legal Representative for Victims (‘LRV’) has adequate time to prepare and to meaningfully participate in the proceedings. Accordingly, the Chamber rescheduled the status conference on 8 December 2025 at 9:30 am. The Chamber instructed the parties and participants to request the addition of any new items to the agenda by 24 November 2025.⁷
7. On 24 November 2025, the Defence filed a second request to include additional items to the agenda of the status conference on 8 December 2025, namely: (i) issues related to the remuneration work performed by the Defence team in October, November, December 2025; (ii) issues related to the modalities involved with responding to the Prosecution’s Reconsideration Request; and (iii) issues related to its investigations (*ex parte* Defence and Registry only) (‘Defence’s Second Request on agenda items’).
8. On 28 November 2025, the LRV also requested to include a new item to agenda, namely, a ‘Discussion regarding the potential impact on the rights of victims participating in the proceedings on a fair, impartial, and thorough trial of a withdrawal of charges against the Accused, Abdallah Banda, based solely on the evidence and arguments of the Office of the Prosecutor (LRV’s Request on agenda items)’.⁸
9. As regards to the Defence’s First and Second requests on agenda items, the Chamber considers that the matters raised related to legal aid should be pursued first through the ordinary procedures before the Registry, in accordance with Regulation 83(1) of the Regulations of the Court. As for the inclusion of additional items on the agenda, and in light of the LRV’s and Defence’s submissions, the Chamber hereby authorises the addition

⁶ Order on the re-classification and redaction of prior submissions, decisions and transcripts, ICC-02/05-03/09-753-Conf. On 21 November 2025, the Chamber, via an email decision, clarified that the reclassification also applied to the Prosecution’s file 752. The Chamber also ordered the reclassification as confidential of several filings (746, 747, 749) and order the parties to file redacted versions of filings 742, 743, 745, 750, 751. (See email decision of 24 November 2025, 4:54pm).

⁷ The Chamber, via email decision, granted an extension of the time limit to the victims to file any additional item before 28 November 2025. (See, email decision 24 November 2025, 4:54pm)

⁸ Requête des Représentants Légaux Commun des Victimes demandant à la Chambre de Première Instance IV de bien vouloir ajouter à l’ordre de jour de la Conférence de Mise en État du 8 Décembre 2025, 28 Novembre 2025, ICC-02/05-03/09-756-Conf.

of a new agenda item. Furthermore, the Chamber grants the Defence's request to hold an *ex parte* session with the Registry immediately after the *inter partes* session

10. To facilitate the preparation of the parties, participants and the Registry, and in light of the recent reclassification, the Chamber issues the following revised agenda, which sets out the items to be addressed at the status conference on 8 December 2025. The Chamber emphasises that any submissions concerning the items on the agenda shall be presented orally during the status conference.

a. Translation and interpretation requirements

- i. Submissions from the Defence on the language(s) Mr Banda fully understands and speaks.
- ii. Submissions from the Registry on the capacity to provide translation and interpretation from and into Zaghawa, and from and into any other language(s) Mr Banda fully understands and speaks.
- iii. Submissions from the parties and the Registry on any other language issue relevant to the proceedings.

b. [REDACTED]

c. [REDACTED]

d. [REDACTED]

e. Timing and modalities to respond to the Prosecution's Reconsideration Request

- i. Submissions from the parties, participants and the Registry identifying any specific questions related to the timing and modalities for the parties, participants and Registry to respond to the Prosecution's Reconsideration Request.

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



Judge Kimberly Prost
Presiding Judge



Judge Keebong Paek



Judge Nicolas Guillou

Dated this **17 July 2026**
At The Hague, The Netherlands