

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **21 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

Notice of withdrawal of the charges against Abdallah Banda Abakaer Nourain

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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☒ 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

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REGISTRY

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Osvaldo Zavala Giler

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Reparations Section

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I. INTRODUCTION

1. On 26 June 2026, Trial Chamber IV (“Chamber”) granted the Prosecution’s request for reconsideration and authorised the withdrawal of charges against Mr Abdallah Banda Abakaer Nourain pursuant to article 64(2) and article 64(3)(a) of the Rome Statute.¹ In addition, the Chamber scheduled a public status conference for 21 July 2026 and instructed the Prosecution to file a public notice of its withdrawal of the charges on that same date (“Order”).² The Prosecution hereby submits its notice of withdrawal of the charges against Mr Banda in accordance with the Order.

II. SUBMISSIONS

2. The Prosecution considers that there are no longer substantial grounds to believe that Mr Banda committed the crimes with which he is charged, nor is there a reasonable prospect of conviction in the case against Mr Banda at trial. This is due to the significant deterioration of evidence over time, the discovery of additional potentially exonerating evidence, and the exhaustion of available investigative avenues.³

3. As the Prosecution will further elaborate in the status conference on 21 July 2026, in the 15 years that have elapsed since the charges against Mr Banda were confirmed, witnesses have become unavailable or uncooperative, witnesses have presented serious credibility issues, and a new witness has provided potentially exonerating evidence. Given the advanced stage of the investigations, the Prosecution determined that further inquiries would be unlikely to yield evidence that would change this assessment.

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-Red](#) (“Order”), para. 28 and p. 12.

² [Order](#), para. 29(b) and (c).

³ *See also e.g.* 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-Red](#); Prosecution’s outline of briefing to the Trial Chamber, [ICC-02/05-03/09-733-Red](#); Transcript of Hearing on 7 February 2024, [ICC-02/05-03/09-T-028-Red-ENG](#); 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-Red](#).

4. Consequently, and bearing in mind the Prosecution's duty to be satisfied at all times that cases are sufficiently supported by the evidence to warrant the continuation of the proceedings, the Prosecution considers it necessary to withdraw the charges against Mr Banda.

5. As the Chamber noted, withdrawal at this juncture is without prejudice to any case that could be brought against Mr Banda "for the same or similar facts at a later date".⁴



Nazhat Shameem Khan
Deputy Prosecutor

Dated this 21st day of July 2026

At The Hague, The Netherlands

⁴ [Order](#), para. 28.