



Original: English

No. ICC-02/05-03/09

Date: 23 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

Decision terminating the proceedings

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 to Articles 64(2) and (6)(f) of the Rome Statute (the ‘Statute’), issues this ‘Decision terminating the proceedings’.

1. The Chamber recalls the procedural history as set out in its ‘Decision on the Prosecution’s request for reconsideration and the Defence’s request to convert the warrant of arrest into a summons to appear’ (the ‘Decision on Reconsideration and Conversion’), issued on 26 June 2026.¹
2. In the above decision, the Chamber found that the Prosecution had ‘failed to demonstrate how the evidence, which met the statutory test for the case against Abdallah Banda Abakaer Nourain (the ‘Accused’ or ‘Mr Banda’) to proceed to trial, has deteriorated to such an extent that it is no longer merited’.² The Chamber further noted the Prosecution’s refusal to proceed to trial, despite the confirmation of charges against the Accused³ and the agreed facts among the parties.⁴ In these circumstances, the Chamber concluded that ‘proceeding to trial in this this particular case, with a Prosecutor who refuses to present the case despite evidentiary and legal obligations to do so, would be in contravention of the Chamber’s ultimate obligation to ensure a fair and efficient trial’.⁵ Accordingly, while deploring the position adopted by the Prosecution, the Chamber reconsidered its previous decision and authorised the Prosecution to withdraw the charges against Mr Banda.⁶
3. Accordingly, the Chamber (i) ordered the parties and participants to file public redacted versions or otherwise request public reclassification of their underlying submissions to the decisions and transcripts identified by the Chamber;⁷ and (ii) scheduled a public status conference where the Prosecution was instructed to give public notice of the withdrawal of the charges against Mr Banda, providing reasons for their decision.⁸

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, 26 June 2026, ICC-02/05-03/09-777-Conf.

² Decision on Reconsideration and Conversion, paras 20-22.

³ Decision on Reconsideration and Conversion, para. 25.

⁴ Decision on Reconsideration and Conversion, para. 22.

⁵ Decision on Reconsideration and Conversion, para. 26.

⁶ Decision on Reconsideration and Conversion, para. 28.

⁷ On 13 July 2026, the parties and participants filed public redacted versions and requested reclassification to public of their filings.

⁸ Decision on Reconsideration and Conversion, para. 29.

4. The Chamber further concluded that, upon the notification of the Prosecution's notice to withdraw the charges and the subsequent termination of proceedings, 'the Arrest Warrant [against Mr Banda] will no longer be in effect'.⁹
5. On 21 July 2026, the Chamber held a public status conference with the parties and participants. During the status conference, the Prosecution gave public notice of their decision to withdraw the charges against Mr Banda¹⁰ and on the same day they filed the 'Notice of withdrawal of the charges against Abdallah Banda Abakaer Nourain' (the 'Prosecution's notice of withdrawal').¹¹ The Legal Representatives of Victims (the 'LRV') and the Defence made oral observations on the matter.¹²
6. The Chamber takes note of the LRV's request during the status conference, seeking authorisation to submit an application for reconsideration of the Chamber's Decision on Reconsideration and Conversion'.¹³ Although the Chamber's decision was issued on 26 June 2026, the LRV did not advance any reasons as to the timing of their motion. The LRV was on notice since that date that the Prosecution was authorised to withdraw the charges, and that a notice of withdrawal of the charges was going to be filed (and was indeed filed) on the day of the status conference. The Chamber considers that such oral request, made in the immediacy of the moment, is untimely and without proper foundation. Accordingly, the Chamber rejects the LRV's request.
7. In light of the Prosecution's public notice of the withdrawal of charges against Mr Banda,¹⁴ and noting the observations presented by the parties and participants during the status conference,¹⁵ the Chamber hereby terminates the present proceedings.
8. The Chamber emphasises that this termination is without prejudice to any case that could be brought against Mr Banda for the same or similar facts at a later date.¹⁶
9. Accordingly, the Chamber vacates the Arrest Warrant against Mr Banda, and all conditions attached thereto shall cease to have effect.

⁹ Decision on Reconsideration and Conversion, para. 30.

¹⁰ Transcript of hearing, 21 July 2026, T-031.

¹¹ Notice of withdrawal of the charges against Abdallah Banda Abakaer Nourain, 21 July 2026, ICC-02/05-03/09-779.

¹² Transcript of hearing, 21 July 2026, T-031.

¹³ Transcript of hearing, 21 July 2026, T-031.

¹⁴ Prosecution's notice of withdrawal, para. 1.

¹⁵ Transcript of hearing, 21 July 2026, T-031.

¹⁶ Decision on Reconsideration and Conversion, para. 28.

10. The Chamber further considers that, although the present proceedings will now be terminated, it retains a limited residual jurisdiction to consider certain procedural matters, including any review and possible reclassification of confidential filings in the case record. The Chamber therefore instructs the parties, the participants, and the Registry to review their respective filings on the case record and, following *inter partes* consultations, file public redacted versions, or otherwise request public reclassification of their filings on a rolling basis and at the latest by 30 October 2026.
11. Finally, the Chamber considers that the termination of these proceedings is without prejudice to the continuation of the mandate of the LRV for such limited period as may be necessary to enable them to adequately inform and advise the victims on the implications of the withdrawal of charges.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS the LRV's request;

TERMINATES the proceedings in this case;

VACATES the Arrest Warrant against Mr Banda; and

ORDERS the parties, participants and the Registry to follow the instructions in paragraphs 10 and 11 above.

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



Judge Kimberly Prost
Presiding Judge



Judge Keebong Paek



Judge Nicolas Guillou

Dated this 23 July 2026
At The Hague, The Netherlands