



Original: English

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

Date: 23 October 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 "Prosecution's Response to "Report of the Registrar on execution of Second Decision on the Prosecutor's Application under Article 58"',
ICC-02/05-03/09-7-US, dated 26 October 2009**

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

Registrar

Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

1. On 23 October 2009, the Registrar filed the “Report of the Registrar on Execution of Second Decision on the Prosecutor's Application under Article 58 (the “Report”).¹
2. The Prosecution makes the present filing in order to assist in clarifying a number of issues addressed in the Report and updating both the Chamber and the Registry.
3. The Prosecution confirms that on 3 September 2009, representatives of the Registry and the Office of the Prosecutor (“OTP”) met in order to discuss the implementation of the Decision of the Chamber.
4. The Prosecution also confirms that on 4 September 2009, it received the resumes of four Counsels from the Registry. The OTP has endeavoured to keep the Registry informed of the attendant difficulties involved in contacting both suspects.
5. The OTP confirms that it has successfully conveyed the list of four counsels to the intermediaries of both suspects, and that these intermediaries have acknowledged receipt of the same. They have also confirmed that they have shared the list with the two individuals concerned. The OTP has remained in contact with the intermediaries.
6. [REDACTED].
7. [REDACTED].
8. [REDACTED].
9. The Prosecution would like therefore to inform the Chamber that the suspects are currently in the field and that there are real difficulties in enabling them to leave the field, first, for the purpose of meeting with proposed counsel, and second, to make arrangements to travel to The Hague.
10. The OTP is aware, from its contacts with these intermediaries that both suspects have been made aware that they need to select counsel to represent them before the ICC, and consequently that they are aware that they are the subjects of the summonses issued by the Chamber.

¹ ICC-02/05-03/09-6-US

11. As regards an official notification in accordance with Regulation 35(3)², the Prosecution confirms that both BANDA and JERBO remain in the field in Darfur, the Sudan. No such notification can conceivably be made at this time. And, as the Prosecution clarified before, while the suspects have not yet made a choice of counsel, they have acknowledged receipt of all the information thus far provided to them.
12. [REDACTED].
13. The Prosecution will continue to update the Chamber and the Registry on further developments.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', with a large, stylized flourish to the left.

Mame Mandiaye Niang, Acting Prosecutor

Dated this 23rd day of October 2026

At The Hague, The Netherlands

² See para. 7 of the Report