

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 29 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 “Application for leave to reply to the “Defence response to ‘Confidential redacted version of the Second Prosecution application to amend its lists of witnesses and evidence and request for authorisation of redactions’”, ICC-02/05-03/09-594-Conf, dated 31 July 2014

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

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

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Introduction

1. Pursuant to Regulation 24(5) of the Regulations of the Court, the Prosecution requests leave to reply to two issues raised in the Defence's response¹ ("Response") to the Second Prosecution application to amend its lists of witnesses and evidence ("Application").² A limited and focused reply will make clear the nature and value of the evidence of Witness P-0477 and hence assist in the proper determination of the Application.

Confidentiality

2. The Prosecution submits this request confidentially because it is a request for leave to reply to a confidential document.³

Submissions

3. The two issues for which leave to reply is sought concern "new and distinct" facts that the Prosecution has not had the opportunity to address⁴ —namely, the [REDACTED] and [REDACTED] value of P-0477's evidence, in light of the Defence's mischaracterisation of the same. Good cause⁵ for a reply on these discrete points exists because of the importance of the two issues and their potential effect on any eventual decision on the Application.⁶

¹ ICC-02/05-03/09-592-Conf ("Response").

² ICC-02/05-03/09-589-Conf.

³ See Regulation 23bis(2).

⁴ Regarding "new and distinct issues of law and fact", see ICC-01/04-01/10-61, p. 3.

⁵ Regarding the standard of "good cause" see, e.g., ICC-01/05-01/08-294, para. 3.

⁶ Regarding the relevance of "importance" and "potential effect" see ICC-01/04-01/10-61, p. 4.

4. [REDACTED].⁷ [REDACTED]⁸ [REDACTED]⁹ [REDACTED]¹⁰ [REDACTED].
5. The Prosecution will also describe the other direct evidence provided by P-0477 regarding the motive for the attack and the Accused's knowledge that it was unlawful. [REDACTED]¹¹ [REDACTED]¹² [REDACTED]¹³
6. [REDACTED].¹⁴ [REDACTED]¹⁵ [REDACTED]¹⁶ [REDACTED].¹⁷ [REDACTED].¹⁸

Conclusion

7. For the above reasons, the Prosecution requests that the Chamber grant it leave to reply to the Response, pursuant to Regulation 24(5) of the Regulations of the Court.



Mame Mandiaye Niang, Acting Prosecutor

Dated this 29th day of October 2026

At The Hague, The Netherlands

⁷ Response, para.8.

⁸ DAR-OTP-0192-0320 at 0322-23, lines 69-73.

⁹ DAR-OTP-0192-0271 at 0294, lines 760-773. Emphasis added.

¹⁰ See, e.g. DAR-OTP-0192-0271 at 0294. Emphasis added. See also DAR-OTP-0192-0470 at 0474; DAR-OTP-0192-0579 at 0580-84.

¹¹ DAR-OTP-0192-0564 at 0574, line 339.

¹² DAR-OTP-0192-0296 at 0301, lines 164-165; DAR-OTP-0192-0320 at 0323, line 91.

¹³ DAR-OTP-0192-0296 at 0306 and 0307.

¹⁴ Response, para.8.

¹⁵ P-0446, P-0486, P-0419.

¹⁶ P-0315, P-0485, P-0487, P-0355.

¹⁷ [REDACTED].

¹⁸ DAR-OTP-0192-0564 at 0574, line 339.