

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 15 March 2010

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Cuno Tarfusser

SITUATION IN DARFUR, SUDAN

***IN THE CASE OF THE PROSECUTOR V. ABDALLAH BANDA ABAKAER
NOURAIN AND SALEH MOHAMMED JERBO JAMUS***

Under Seal

Decision Setting the Date for the Hearing of First Appearance

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Mr Essa Faal, Senior Trial Lawyer

Counsel for the Defence

Defence for Mr Banda
Mr Labeed Abdal
Defence for Mr Jerbo
Mr Amin Eldeeb

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

PRE-TRIAL CHAMBER I of the International Criminal Court (the "Chamber" and the "Court" respectively);

NOTING the "Second Decision on the Prosecutor's Application under article 58" (the "Decision") issued by the Chamber on 27 August 2009;¹

NOTING the "Summons to appear for Abdallah Banda Abakaer Nourain" and the "Summons to appear for Saleh Mohammed Jerbo Jamus" (the "Summonses") issued on 27 August 2009 (the "Summonses to Appear"), whereby the Chamber ordered Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus (the "Suspects") to appear before it on 17 November 2009;²

NOTING that in its Decision, the Chamber ordered the Registrar to serve the Summonses to Appear on the Suspects "as soon as practicable";

NOTING the "Decision postponing the hearing of first appearance" issued on 12 November 2009, whereby the Chamber postponed the hearing of first appearance of the Suspects to 3 February 2010;³

NOTING the "Decision cancelling the hearing of first appearance and scheduling a hearing" issued on 1 February 2010,⁴ whereby the Chamber decided, *inter alia*, to cancel the hearing of first appearance of the Suspects scheduled for 3 February 2010;

NOTING further the *ex parte* hearing held on 3 February 2010 with the Prosecutor and the Registrar during which, *inter alia*, matters relevant to the Suspects' first appearance before

¹ ICC-02/05-03/09-1-US.

² ICC-02/05-03/09-2-US and ICC-02/05-03/09-3-US.

³ ICC-02/05-03/09-10-US.

⁴ ICC-02/05-03/09-23-US.

the Court were discussed and the Chamber stated that it will decide and “set for the last time a date for the first appearance of the two suspects”;⁵

CONSIDERING that a new date for the first appearance of the Suspects needs to be set;

CONSIDERING that such a date shall be set taking due account of the difficulties encountered in the execution of the Decision and, in particular, of the fact that no official notification of the Summonses to Appear in accordance with regulation 31(3) of the Regulations of the Court has taken place to date;

CONSIDERING that the date set for the first appearance of the Suspects will not be changed unless exceptional and unexpected circumstances are shown;

CONSIDERING that it falls within the competence and the prerogatives of the Registry to take all necessary measures to serve the Summonses on the Suspects and to facilitate their first appearance before the Court on the date set and that in order for it to carry out such functions the Prosecutor shall provide the Registrar with all the information in his possession which is necessary for the purposes of the Suspects’ notification and first appearance before the Court;⁶

FOR THESE REASONS,

DECIDES

to schedule the hearing of first appearance of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus before the Court for 17 June 2010, at 10.00 hours;

⁵ ICC-02/05-03/09-T-3-US-Exp-ENG ET.

⁶ As the Single Judge already stated in the present case “the Registrar, as neutral organ of the Court, is exclusively in charge of the execution of the orders, but it also means that the Prosecutor has to actively coordinate with the Registrar and give him all possible support, especially in terms of knowledge of information,” ICC-02/05-03/09-T-1-US-Exp-ENG ET, p.3, lines 5-9.

ORDERS

the Registry to take all necessary measures, including requesting the cooperation for any State pursuant to Part IX of the Rome Statute, to serve the Summonses on and facilitate the first appearance of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus before the Court;

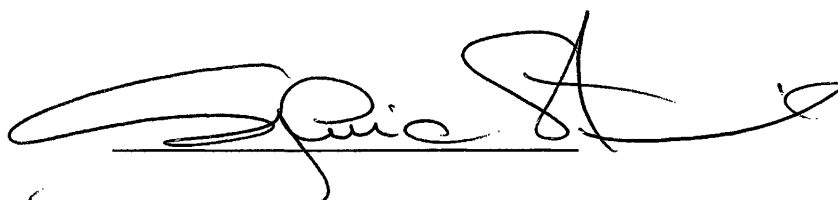
ORDERS

the Prosecutor to provide the Registry, without any delay, with all the information in his possession which is necessary to facilitate the notification of the Summonses to and first appearance of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus;

ORDERS

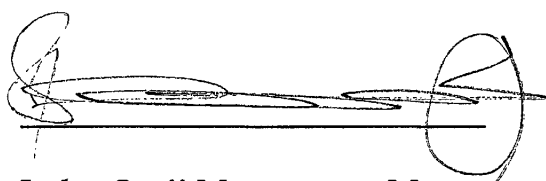
the Registry to notify the present Decision to Abdallah Banda Abakaer Nourain and Saleh Mohamed Jerbo Jamus together with their respective Summonses to Appear.

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

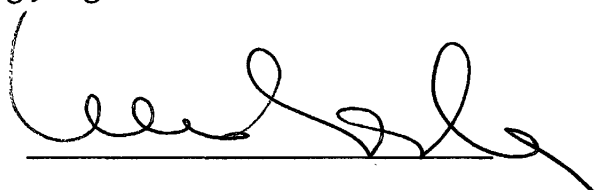


Judge Sylvia Steiner

Presiding Judge



Judge Sanji Mmasenono Monageng



Judge Cuno Tarfusser

Dated this Monday, 15 March 2010

At The Hague, The Netherlands