

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 3 September 2012

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Silvia Fernández de Gurmendi
Judge Chile Eboe – Osuji

SITUATION IN DARFUR, SUDAN

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

Public

**Second report of the Registrar on the Execution of Decision ICC-02/05-03/09-268-
Red**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda

Counsel for the Defence

Mr Karim A.A. Khan

Mr Nicholas Koumjian

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

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (“the Court”):

NOTING the “Defence Application pursuant to Articles 57(3)(b) & 64(6)(a) of the Statute for an order for the preparation and transmission of a cooperation request to the African Union”¹ dated 11 May 2011;

NOTING the “Decision on ‘Defence Application pursuant to Articles 57(3)(b) & 64(6)(a) of the Statute for an order for the preparation and transmission of a cooperation request to the African Union’”² dated 1 July 2011;

NOTING the “Second Defence Application pursuant to Articles 57(3)(b) & 64(6)(a) of the Statute for an order for the preparation and transmission of a cooperation request to the African Union”³ dated 20 October 2011;

NOTING the “Public Redacted Decision on the second defence application pursuant to Articles 57(3)(b) & 64(6)(a) of the Statute”⁴ (the “Decision”) dated 21 December 2011;

NOTING the “Report of the Registrar on the Execution of the Decision ICC-02/05-03/09-268-Red”⁵ (the “First report”) dated 30 January 2012;

NOTING the ex parte hearing dated 11 July 2012;⁶

¹ ICC-02/05-03/09-146 and confidential and ex parte annexes A, B, C, F and H, confidential annexes D and G and public annex E.

² ICC-02/05-03/09-170.

³ ICC-02/05-03/09-234.

⁴ ICC-02/05-03/09-268-Red.

⁵ ICC-02/05-03/09-284.

⁶ ICC-02/05-03/09-T-18-Conf-Exp-ENG

NOTING articles 87(6) of the Rome Statute, rules 176(2) and 177(2) of the Rules of Procedure and Evidence and regulation 23 *bis* of the Regulations of the Court;

CONSIDERING that Trial Chamber IV (“the Chamber”) ordered the Registry “(a) to transmit forthwith a cooperation request pursuant to Article 87(6) of the Statute asking for the assistance of the African Union in this matter; (b) to serve the request on the African Union through the proper channels of communication as provided for in Rules 176(2) and (4) and 177(2) of the Rules;⁷

CONSIDERING that in the hearing dated 11 July 2012 the Registry was requested to file a report on the efforts undertaken with regard to the African Union⁸;

CONSIDERING that upon reception of an e-mail sent by the Registry on 28 August 2012 summarizing various cooperation issues, the Chamber instructed the Registry to file a report by 3 September 2012;

INFORMS the Chamber as follows:

1. As of today, the Registry has not received a reply from the African Union.
2. Since the First report, the Registry sent several follow-up e-mails to the Legal Counsel of the African Union on 17 February, 23 March and 5 July 2012 for which no reply was received. The Registry also spoke to the Legal Counsel who indicated that the matter was being considered.
3. The Registry sent a reminder to the newly appointed Acting legal Counsel of the African Union on 31 August 2012.

⁷ ICC-02/05-03/09-268-Red, p.13.

⁸ ICC-02/05-03/09-T-18-CONF-EXP-ENG, page17.

4. The Registry will continue to follow-up on the execution of the request with the African Union.



Silvana Arbia, Registrar

Dated this 3 September 2012

At The Hague, The Netherlands