



Original: **English**

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

Date: **30 July 2014**

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***

Public Document

Request for assistance to the Republic of the Sudan

Source: The Registry

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

Office of the Prosecutor

Ms Fatou Bensouda

Mr Julian Nicholls

Counsel for the Defence

Mr Karim A.A. Khan

Legal Representatives of Victims

Ms Hélène Cissé

Mr Jens Dieckmann

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

**Office of Public Counsel for the
Defence**

States' Representatives

Republic of the Sudan

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

THE REGISTRAR of the International Criminal Court (“the Court”);

NOTING the resolution S/RES/1593 of 31 March 2005 according to which the United Nations Security Council referred the situation in Darfur, Sudan, since 1 July 2002, to the Prosecutor of the Court;¹

NOTING the two *Summonses to appear*² delivered by Pre-Trial Chamber I on 27 August 2009 against Abdallah Banda Abakaer Nourain (“Mr. Banda”) and Saleh Mohammed Jerbo Jamus (“Mr. Jerbo”);

NOTING the *Corrigendum to the decision on the confirmation of charges*³ (the “Decision on the confirmation of charges”) dated 7 March 2011;

NOTING the *Decision concerning the trial commencement date, the date for final prosecution disclosure and summonses to appear for trial and further hearings*⁴ dated 6 March 2013;

NOTING the *Public redacted Decision terminating the proceedings against Mr. Jerbo*⁵ dated 4 October 2013;

NOTING the *Confidential redacted version of the “Decision vacating the trial date of 5 May 2014”*⁶ dated 15 April 2014;

NOTING the *Public Redacted Decision as to the Further Steps for the Trial Proceedings*⁷ (the “Decision”) dated 14 July 2014;

¹ Resolution 1593 (2005) adopted by the Security Council at its 5158th meeting on 31 March 2005.

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

³ ICC-02/05-03/09-121-Corr-Red.

⁴ ICC-02/05-03/09-455.

⁵ ICC-02/05-03/09-512-Red.

⁶ ICC-02/05-03/09-563-Conf-Red.

⁷ ICC-02/05-03/09-590-Red.

NOTING articles 13(b), 58(7), 87(5), and 97 of the Rome Statute (the “Statute”), Rule 176(2) of the Rules of Procedure and Evidence;

CONSIDERING that the Sudan is not a State Party to the Rome Statute;

CONSIDERING that the United Nations Security Council decided that “the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully”;⁸

CONSIDERING that, after the vacating of the original commencement trial date on 5 May 2014, Trial Chamber IV (the “Chamber”) further decided that the trial against Mr. Banda shall commence on 18 November 2014;⁹

CONSIDERING that the Chamber in its Decision ordered the Registrar to inform the Government of the Sudan of the summons to appear for Mr. Banda and to transmit to them, through the proper channels of communication, a cooperation request to take all necessary steps to facilitate Mr. Banda’s presence for his trial, including by providing him with travel documents and making all other necessary arrangements as may be appropriate;¹⁰

INFORMS the Republic of the Sudan that Mr. Banda is accused of war crimes allegedly committed during an attack carried out on 29 September 2007, against the African Union Mission in Sudan (AMIS), a peacekeeping mission stationed at the Haskanita Military Group Site, in the locality of Umm Kadada, North Darfur. It is alleged that the attackers killed 12 and severely wounded eight soldiers, destroyed

⁸ Resolution S/RES/1593 of 31 March 2005, para. 2.

⁹ ICC-02/05-03/09-590-Red, para. 37(a).

¹⁰ ICC-02/05-03/09-590-Red, para. 37(c).

communications facilities and other materials and appropriated property belonging to the AMIS;

INFORMS the Republic of the Sudan that Mr. Banda is allegedly criminally responsible as co-perpetrators for three war crimes under article 25(3)(a) of the Rome Statute: a) violence to life, whether committed or attempted, within the meaning of article 8(2)(c)(i) of the Statute; b) intentionally directing attacks against personnel, installations, material, units or vehicles involved in a peacekeeping mission within the meaning of article 8(2)(e)(iii) of the Statute; and c) pillaging within the meaning of article 8(2)(e)(v) of the Statute;

INFORMS the Republic of the Sudan that the conditions contained in the summons to appear issued for Mr. Banda by Pre-Trial Chamber I are still valid;

INFORMS the Republic of the Sudan that the accused, whose details are provided below, has been summoned by the Chamber to appear for his trial before Trial Chamber IV in The Hague, The Netherlands as of 18 November 2014:

Name: Abdallah Banda Abakaer Nourain

Date of birth: In or around 1963

Place of birth: Wai, Dar Kobe, North Darfur

Nationality: Sudanese

REQUESTS the Sudanese authorities to take all necessary steps to facilitate the appearance of Mr Banda before the Court to attend his trial starting on 18 November 2014, including by providing him with travel documents and making all other necessary arrangements as may be appropriate;

REQUESTS the Sudanese authorities to ensure the security of Mr. Banda for the purpose of his appearance before the Court;

REQUESTS the Sudanese authorities to timely inform the Court pursuant to article 97 of the Statute, of any problem which may impede or prevent the execution of this request;

ATTACHES to the present request the following documents:

- a copy of the *Summons to appear for Abdallah Banda Abakaer Nourain* dated 27 August 2009;
- a copy of the *Corrigendum of the "Decision on the Confirmation of Charges"* dated 7 March 2011;
- a copy of the *Public Redacted Decision as to the Further Steps for the Trial Proceedings* dated 14 July 2014.



Marc Dubuisson, Director Division of Court Services
per delegation of
Herman von Hebel, Registrar

Dated this 30 July 2014

At The Hague, The Netherlands