

Status Conference

(Open Session)

ICC-02/05-03/09

1 International Criminal Court
2 Trial Chamber IV
3 Situation: Darfur, Sudan
4 In the case of The Prosecutor v. Abdallah Banda Abakaer Nourain - ICC-02/05-03/09
5 Presiding Judge Kimberly Prost, Judge Keebong Paek and Judge Nicolas Guillou
6 Status Conference - Courtroom 1
7 Tuesday, 21 July 2026
8 (The hearing starts in open session at 2.30 p.m.)
9 THE COURT USHER: [14:30:30] All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE PROST: [14:30:57] Good afternoon, everyone.
13 Court officer, could you call the case, please.
14 THE COURT OFFICER: [14:31:02] Good afternoon, Madam President.
15 This is the situation in Darfur, Sudan, in the case of The Prosecutor versus Abdallah
16 Banda Abakaer Nourain, case reference, ICC-02/05-03/09.
17 And for the record, we are in open session.
18 PRESIDING JUDGE PROST: [14:31:22] Thank you very much, court officer.
19 I will now take the appearances, please, beginning with the Office of the Prosecutor.
20 Ms Brady. Oh.
21 MS PRONK-JORDAN: [14:31:33] Thank you, Madam President. I appear today
22 with senior appeals counsel Helen Brady; Pubudu Sachithanandan, trial lawyer;
23 Niv Thiru, appeals counsel; associate trial lawyer Rachel Mazarella; Catherine
24 Dunmore, trial lawyer; Carmen Garcia Ramos, case manager. And I am
25 Cara Pronk-Jordan, senior legal coordinator for the Office of the Prosecutor,

1 representing Deputy Prosecutor Khan who unfortunately can't be here today.

2 PRESIDING JUDGE PROST: [14:32:08] Thank you very much.

3 I will now take the appearances for the Defence, please. Chief Taku.

4 MR TAKU: [14:32:14] May it please your Honours, my name is Chief Charles

5 Achaleke Taku, lead counsel of Mr Banda. I appear today with my learned colleague

6 and co-counsel, Mr Thomas Obhof; and my case manager, Ms Judith Akebe. Thanks,

7 your Honour.

8 (Counsel confers)

9 MR TAKU: [14:32:32] (Microphone not activated)

10 PRESIDING JUDGE PROST: [14:32:41] Microphone, please, Chief Taku.

11 MR TAKU: [14:32:44] I'm sorry, my Lord. General Banda is following the trial via

12 video link from Khartoum.

13 General, welcome, and I apologise for not mentioning your name earlier. I think

14 your presence here today with us is very, very important, and for me in particular.

15 I really cherish that you should be here and listen to their Lordships, myself and the

16 Prosecutor and the victims. Thanks.

17 PRESIDING JUDGE PROST: [14:33:14] Thank you. The Chamber notes the

18 appearance of Mr Banda 12 years after his failure to appear in the issuance of an

19 arrest warrant.

20 I now turn to the Legal Representatives of the Victims, please, for the appearances.

21 MS CISSÉ: [14:33:36](Interpretation) Good afternoon. I am Hélène Cissé, principal

22 counsel, and I am flanked by Mr Jens Dieckmann, associate counsel; and Ms Evelyne

23 Ombeni, case manager. Thank you.

24 PRESIDING JUDGE PROST: [14:33:52] Thank you, Ms Cissé.

25 Now the Registry, please.

1 MS DAHURON: [14:33:57](Interpretation) Madam President, judges, good
2 afternoon. The Registry is represented in the absence of Marc Dubuisson, director of
3 services of the court. We have colleagues from the unit for judicial operations. And
4 we have -- Charlotte Dahuron.

5 PRESIDING JUDGE PROST: [14:34:23] Thank you very much.

6 This hearing is scheduled for a single session this afternoon and it is a public hearing
7 in open session.

8 The purpose of this status conference was set out in the Chamber's decision on the
9 Prosecution's request for reconsideration and the Defence's request to convert the
10 warrant of arrest into a summons to appear.

11 As stated in paragraph 29 of that decision, the Chamber, in the circumstances,
12 directed the Prosecution to provide public notice of its withdrawal of the charges,
13 together with the reasons for that decision. Following the Prosecution's statement,
14 the Legal Representatives of Victims and the Defence will have an opportunity to
15 make oral observations should they wish to do so.

16 I wish to emphasise that the parties and the participants must restrict their
17 submissions and observations to this procedural matter before the Chamber this
18 afternoon, which is the Prosecution's withdrawal of the charges. The Chamber will
19 not entertain statements or observations relating to substantive matters on the case.
20 With those remarks, we will now hear from the Prosecution.

21 MS PRONK-JORDAN: [14:36:01] Thank you, Madam President, your Honours.

22 I will begin with a short introduction and then Mr Sachithanandan will provide a
23 more detailed overview of the reasoning of the Prosecution, and after this I will
24 briefly conclude the remarks of the Prosecution.

25 Madam President, your Honours, the Prosecution appears before the Chamber today

1 to give notice publicly that it is withdrawing the charges against Mr Banda. A notice
2 of withdrawal was filed this morning. We do so because it is the Prosecution's
3 carefully considered view that the evidence no longer presents a reasonable prospect
4 of conviction at trial and that the evidence has deteriorated so much so that it even no
5 longer demonstrates that there are substantial grounds to believe that Mr Banda
6 committed the charged crimes.

7 This is not a decision that has been taken lightly. It is a decision grounded in the
8 legal and ethical obligations that define the office and in our continuing duty to act
9 independently, fairly, and in the interests of justice.

10 The Pre-Trial Chamber confirmed the charges against Mr Banda 15 years ago in 2011.

11 The Prosecution has since undertaken a continuing and rigorous reassessment of the
12 evidentiary record, exhausting all reasonable investigative avenues available to it.

13 As Mr Sachithanandan will explain further, this case and the decision to withdraw
14 have been the subject of careful internal review and consultation across the office.

15 The decision is the product of thorough professional analysis, considered judgment,
16 and faithful adherence to the Prosecutor's statutory responsibilities.

17 Having undertaken that assessment, the Prosecution no longer has confidence that
18 the charges continue to be supported by the evidence or that it can discharge the
19 requisite burden at trial.

20 The Prosecution has a duty to proceed to trial only where it genuinely and reasonably
21 believes that the evidence establishes guilt beyond a reasonable doubt. Moreover,
22 the Prosecution owes an equally important duty to victims not to foster expectations
23 of a conviction where, following careful reassessment, the office no longer has
24 confidence that the evidence can sustain one. To continue in those circumstances
25 would neither serve justice nor honour the trust that victims have placed in this

1 Court.

2 Your Honours, the Prosecution fully recognises the impact that the withdrawal of the
3 charges will have on victims and affected communities. We also recognise the
4 Chamber's view that this case could appropriately proceed to trial. We respectfully
5 acknowledge that difference of view. However, the Rome Statute entrusts the
6 Prosecutor with an independent responsibility to continually assess the evidentiary
7 basis of every case and to proceed only where the legal and ethical standards
8 governing this office continue to be satisfied. The integrity of the criminal process
9 requires prosecutors to act with objectivity at every stage of proceedings. In this
10 stage of proceedings, we have a duty to pursue cases only when we believe that the
11 charged crimes can be proven beyond reasonable doubt. Our duty is not simply to
12 prosecute; it is to ensure that prosecutions are pursued only where they can be
13 properly and fairly sustained. And it is for these reasons that the Prosecution
14 withdraws the charges against Mr Banda.

15 I now hand over to Mr Sachithanandan.

16 MR SACHITHANANDAN: [14:40:32] Madam President, your Honours, pursuant to
17 your instructions, I will set out the reasons underpinning the Prosecution's
18 withdrawal of charges against Mr Banda. I will discuss principally the main
19 evidentiary developments and the related reasons why the office has maintained that
20 the continuation of proceedings would no longer be consistent with its obligations
21 under the Rome Statute.

22 You will recall, your Honours, that once the charges were confirmed in this case, the
23 proceedings advanced to the trial stage and trial was initially scheduled to commence
24 in 2014. However, Mr Banda failed to appear pursuant to the summons issued by
25 the Court and the Trial Chamber then issued a warrant of arrest in September 2014

1 and Mr Banda remained outside the Court's custody thereafter.

2 Importantly, even though Mr Banda remained at large, the office continued to

3 discharge its obligations under the Rome Statute. The Prosecution continued to

4 investigate both incriminating and exonerating evidence -- or circumstances,

5 remained in contact with witnesses wherever possible and continually reassessed the

6 evidentiary foundations for the Prosecution case.

7 Your Honours, during these reassessments, a number of problematic developments

8 arose in the evidence. These developments principally affected one key aspect of the

9 Prosecution case; that is to say, the issue of whether Mr Banda was aware of the

10 factual circumstances establishing the unlawful nature of the relevant attack. These

11 evidentiary developments are as follows:

12 Firstly, the loss of Witness P-441. Your Honours will recall that P-441 occupied a

13 significant position within the Prosecution case because the witness provided

14 evidence concerning Mr Banda's position of authority within the attacking force and

15 also regarding Mr Banda's access to information regarding the planning and

16 execution of the attack. Later Prosecution investigations, however, revealed that

17 P-441 had engaged in serious dishonest conduct. As a result, despite the importance

18 of his evidence, the Prosecution determined that it could not rely on such testimony,

19 since such testimony could not be regarded as credible or reliable. Accordingly,

20 P-441's evidence could no longer form part of the Prosecution case.

21 Similarly, your Honours, there was the loss of the evidence of Witness P-477. P-477

22 had also occupied a central position within the Prosecution case in that the witness

23 provided direct evidence concerning the purpose of the attack and Mr Banda's

24 position of authority. His evidence supported, at that time, the inference that

25 Mr Banda possessed the requisite knowledge of the unlawful nature of the relevant

1 attack. However, your Honours, during renewed contact with the witness,
2 significant credibility concerns arose. Ultimately, the witness refused to further
3 engage with the office. Here again, the office therefore concluded that P-477 could
4 no longer be relied on as a credible Prosecution witness. The consequence hereto
5 was the loss of one of the principal sources of evidence capable of establishing the
6 reason for the attack, the unlawful nature of the attack and Mr Banda's knowledge of
7 its unlawful nature.

8 Your Honours, the Prosecution did not accept these developments passively and
9 sought to remedy these weaknesses. To do so, the office undertook extensive
10 investigative efforts. Previously interviewed witnesses were recontacted where
11 possible and investigators systematically reviewed available new leads. There was a
12 comprehensive mapping exercise, which identified known participants in the attack,
13 and potential witnesses were identified. These potential witnesses were approached
14 wherever possible and, in particular, individuals believed to have key evidence
15 relating to the planning of the attack were sought. A number of these new witnesses
16 were interviewed.

17 Madam President and your Honours, it is at this time, or around this time, that the
18 investigation took another important turn by way of the location of Witness P-512.
19 P-512 had not been interviewed during earlier stages of the investigation despite
20 prolonged and extensive efforts to find him. However, the office was finally able to
21 secure his evidence and found that he was a credible witness whose account
22 materially altered the evidentiary picture. Whereas the Prosecution had previously
23 relied upon the absence of any attempt by the attackers to locate the Government of
24 Sudan representative within MGS Haskanita as supporting its case theory, by contrast,
25 P-512 described attackers as actively searching for this Government of Sudan

1 representative, Captain Bashir. This evidence substantially weakened the
2 Prosecution's previous inference regarding the purpose of the attack and introduced a
3 credible alternative explanation.

4 Overall, your Honours, viewing in retrospect this process of investigation, or
5 reinvestigation, the efforts of the Prosecution to fill the gaps in its case ultimately
6 proved unsuccessful. Key potential witnesses were either deceased, could not be
7 located, declined to cooperate, or were unable to provide evidence capable of
8 remedying the identified deficiencies.

9 In addition to these challenges in the context of newly identified witnesses, in the
10 15 years that had elapsed since the Pre-Trial Chamber had confirmed the charges,
11 several of the witnesses relied on at the confirmation stage had also become
12 uncontactable, uncooperative or otherwise unavailable.

13 Of the witnesses -- of the confirmation witnesses that remained available, some
14 presented credibility and reliability issues, and the Prosecution necessarily had to
15 exercise caution in relying upon their evidence, especially when they provided the
16 sole or main evidence on a given fact.

17 Your Honours, bearing all of these factors in mind, and having undertaken a
18 significant effort to reinvestigate the case, the office carried out an internal evidence
19 review in February 2023. This review included experienced prosecutors,
20 investigators and analysts from across the Office of the Prosecutor. After extensive
21 review and consultation, the resulting assessment completed in March 2023
22 concluded that there was no reasonable prospect of convicting Mr Banda on the
23 available evidence.

24 Given the significance of this finding, the office considered it appropriate to introduce
25 an additional safeguard.

1 Accordingly, Madam President and your Honours, Deputy Prosecutor Nazhat Khan
2 instructed that an independent external review take place. Thereafter, an
3 experienced external adviser reviewed the evidentiary record and submitted his
4 report in September 2023. In his report, he also independently concluded that the
5 probability of securing a conviction was low.

6 Your Honours, it is against this backdrop, after extensive efforts to reinvestigate the
7 case, and equally extensive efforts to effectively analyse the evidence, that the
8 Prosecution finally, in October 2023, sought authorisation from this Chamber to
9 withdraw charges against Mr Banda.

10 Your Honours will recall that the Chamber first rejected the application in
11 October 2023 and invited further submissions. Among the reasons provided by the
12 Chamber at that time were *inter alia* the fact that Mr Banda remained a fugitive from
13 justice. Following additional proceedings, the Chamber once again declined to
14 authorise withdrawal in March 2024.

15 Your Honours, with regard to the period after such rejection, the office did not cease
16 investigations. Rather, it continued searching for evidence cable of overcoming the
17 deficiencies identified during its review. Those further efforts, however, ultimately
18 reinforced the office's conclusions.

19 Your Honours, two additional witnesses - that is to say, P-1840 and P-0308 - were
20 identified as potentially capable of providing evidence, direct evidence, concerning
21 planning meetings which may have been relevant to proving the unlawful nature of
22 the attack and Mr Banda's alleged knowledge of such unlawful nature.

23 However, once interviewed, in late 2025, both witnesses proved unable to provide the
24 anticipated evidence. Neither had attended the relevant meetings, neither possessed
25 direct knowledge of the planning process of the attack and, in addition, one witness

1 relied upon hearsay evidence or hearsay information from unidentified sources, and
2 the other presented additional reliability concerns. Therefore, far from
3 strengthening the Prosecution case, these interviews confirmed that the remaining
4 reasonable investigative avenues had effectively been exhausted.

5 Subsequently, your Honours, you will recall that in October 2025, the counsel for the
6 Defence submitted a request to convert the arrest warrant for Mr Banda to a
7 summons to appear. At this point, the Prosecution assessed that Mr Banda's
8 appearance before this Court was potentially imminent. The office in this context
9 recalled the Chamber's earlier guidance that once Mr Banda's appearance had been
10 secured, relevant matters could be reconsidered. The office again at this point bore
11 in mind the exhaustion of investigative remedies as represented by the interviews of
12 P-1840 and P-308.

13 Thus, in November 2025, the Prosecution renewed its request to the Chamber to
14 reconsider its decision not to authorise the withdrawal of charges. The Prosecution
15 at that time was of the view that, firstly, compelling Mr Banda to appear for trial
16 when the Prosecution had already concluded it could not prove the charges would
17 amount to an injustice. The Prosecution was also of the view at that time that it
18 would also create unrealistic expectations amongst the victim community -- this
19 community who had been waiting for over a decade for the trial to commence.
20 And indeed, your Honours, as the Prosecution appears before you today, it remains
21 still of that view.

22 I note, your Honours, that it is subsequent to these submissions of the Prosecution
23 and other parties and participants that in June 2026 the Chamber authorised the
24 Prosecution to withdraw the charges without prejudice to future proceedings and to
25 give public notice of such withdrawal.

1 Madam President, your Honours, this concludes my provision of detailed reasons for
2 the withdrawal of charges. I now hand over -- or, rather, hand back to
3 Ms Pronk-Jordan.

4 MS PRONK-JORDAN: [14:54:37] Madam President, your Honours, as you heard in
5 the overview that was just provided, since the confirmation of charges against
6 Mr Banda, key Prosecution evidence has deteriorated, credible exculpatory material
7 has emerged, and renewed investigative efforts have failed to restore the evidentiary
8 foundation of the case. As a result, the Prosecution has concluded that it can no
9 longer responsibly maintain its case.

10 The Prosecution respectfully takes note of the critical observations by the Chamber in
11 its decision to authorise the withdrawal of charges. However, as mandated under
12 the Rome Statute, the Prosecution's responsibilities require it to independently assess
13 whether it remains proper to continue advocating for a conviction.

14 Moreover, while the assessment of witness credibility and reliability at trial is
15 ultimately a matter for the Trial Chamber, the Prosecution cannot knowingly present
16 evidence from witnesses whom it no longer considers sufficiently credible or reliable.
17 Today, the Prosecution is not seeking the easier course, but the course that the law
18 and our professional responsibilities require. In doing so, we fulfil our duties to the
19 accused and to the victims and seek to uphold the integrity of these proceedings.

20 Justice demands not only that serious crimes be prosecuted where the evidence
21 permits, it also demands integrity from the office to discontinue proceedings where,
22 after careful and exhaustive review, the legal and ethical standards required of this
23 office are no longer met.

24 The Prosecution's withdrawal of the charges is without prejudice to bringing new
25 charges on the same or similar facts should we obtain sufficient evidence in the future.

1 Because our overall work in the Situation in Darfur continues, it continues with our
2 work in cases pending before the Court over past atrocities and it continues in our
3 ongoing investigations into current crimes in Darfur.

4 Throughout this investigation, the office has met with victims and survivors. We
5 have listened to their accounts, learned of the profound suffering they have endured,
6 and witnessed the remarkable courage they have shown in coming forward and
7 engaging with the office. Nothing in today's submissions diminishes their suffering,
8 the seriousness of the alleged crimes or the importance of their search for justice.

9 Thank you.

10 PRESIDING JUDGE PROST: [14:57:32] The Chamber takes note of the statements of
11 the Prosecution.

12 Next, we will hear the observations from the Legal Representative of Victims.

13 MR DIECKMANN: [14:57:56] Your Honours, may it please the Court. I will start
14 the oral observations for the Legal Representatives of the Victims to be continued
15 with principal counsel.

16 Your Honours, today, this Chamber is asked to note the Prosecution's withdrawal of
17 charges against Mr Banda and is asked, in consequence, to terminate the proceedings
18 in this case. But, respectfully, it is not merely terminating a case; by doing so, it is
19 closing a chapter in the lives of men and women who have waited for almost 19 years
20 for justice. For them, for the participating victims in the Banda case, this is not a
21 procedural application; this would be, in fact, the end of hope.

22 Hannah Arendt, based on her own experience as a victim of fascism and her own
23 political theory, famously described, quote, "the right to have rights", end of the quote,
24 as a central, the -- in the fact, essential human right. All systems working under the
25 rule of law, like this Court, are bound by this human right and its promise. Our

1 clients believed that the International Criminal Court represented precisely this
2 promise. When every national institution failed, where no government protected
3 them effectively, when violence had erased their health, the life of their beloved sons,
4 the husbands, the brothers, and their dignity, they believed over all the years that
5 international justice still recognised them as human beings whose suffering mattered.
6 Today, many of them will inevitably ask us: Did we really have that right or was it
7 only an empty promise?

8 Justice has always required patience, sometimes extraordinary patience. But justice
9 also requires perseverance from all actors. In this context, the Legal Representatives
10 of the Victims remind the Chamber to its public "Decision on the Prosecution's
11 Request for a Finding of Non-Compliance", from 19 November 2015.

12 On 16 October 2015, the Office of the Prosecutor requested that the Chamber issue a
13 finding of non-compliance against the Republic of the Sudan in the Banda case. The
14 Prosecution submitted that Sudan has failed to implement the Court's order to arrest
15 Mr Banda and that there is no prospect of Sudan complying with the arrest warrant of
16 its own volition.

17 On 9 November 2015, the Legal Representatives of Victims filed a submission
18 supporting the Prosecution's request, with four confidential annexes containing
19 letters - handwritten letters - from represented victims where they supported the
20 relief sought, as quoted in Chamber's decision in footnote 3. Legal Representatives
21 of Victims had collected several authentic personal handwritten statements. The
22 request was granted and the decision was transferred to UN Security Council.

23 So, the individual pleading of the victims is part of the record of this case.

24 The victims remind us, especially today, international criminal justice exists precisely
25 for those moments when success appears impossible.

1 Your Honours, every judicial decision speaks also beyond this courtroom. Every
2 decision sends messages, if we want or not. What messages will today's decision
3 send? What messages want we to be sent?

4 The first message may sound cynical. It may be heard by defendants at large. It
5 may be heard by suspects who consider escaping justice. The message could become
6 painfully simple, and it is: If you can evade arrest long enough, justice eventually
7 disappears. Flight may pay. Time defeats accountability.

8 That is a very dangerous lesson of today, but it must be said loud: Justice delayed
9 may be justice denied.

10 A second message reaches beyond this Court. It reaches the African Union. The
11 participating victims in the Banda case have been African Union peacekeepers, or
12 working for them, heavily wounded and handicapped for life, and the families,
13 widows and children of peacekeepers who have been killed in the Haskanita camp on
14 this terrible day in September 2007. Brave men served under African Union Mission,
15 risked and sacrificed their own lives to protect civilians in Darfur and fighting for
16 peace and security in the region.

17 What are we telling the African Union today? Is the ICC a place to effectively
18 protect African Union peacekeepers against international crimes? What do we tell
19 those brave soldiers, believing that international justice stood behind their sacrifice?

20 And, finally, your Honours, talking about messages, let us send out a message to the
21 victims today. Let us remember the participating victims. Let us send a message to
22 them today, not as files or witness numbers or procedural participants. The
23 participating victims in the Banda case, they are the true heroes of these proceedings.
24 They testified. They cooperated with the Prosecution and the Court. They relived
25 unimaginable suffering. They believed in law instead of revenge. Their patience

1 has been greater than ours. Their courage has been greater than ours. And their
2 faith has certainly been greater than ours.

3 Your Honours, history rarely remembers procedural orders. History remembers
4 what institutions stood for. Nuremberg was never only about convictions, whereby
5 the first judgment was rendered on 1 October 1946, 80 years ago this year.
6 Nuremberg was about declaring that law would replace impunity. This Court
7 carries the same responsibility.

8 Whether today's application is granted or not, history will ask a larger question: Did
9 the International Criminal Court in this historical situation remain faithful to its
10 promise that no victim would ever again stand completely alone? That is a question
11 which will echo far beyond this courtroom.

12 On behalf of our clients, the 103 souls from six different African nations, the
13 participating victims in the Banda case, the Legal Representatives of Victims wish
14 simply to express our profound gratitude to everyone who has devoted years of their
15 life to this case -- the Registry, the Court and, particularly also, the Office of the
16 Prosecutor. Their work during the past years honoured the victims.

17 But I address the Prosecutor: You will only truly honour the victims if your work
18 continues also with regard to the Haskanita incident, because justice delayed may
19 wound hope, but justice abandoned wounds humanity itself.

20 So there is one message of the participating victims to us in this courtroom today and
21 this message is with the words of the late Benjamin Ferencz, words which should
22 continue to inspire every institution committed to international justice: Never give
23 up. Never give up. Never give up.

24 May it please the Court.

25 This concludes my own observations. I respectfully hand the floor over to principal

1 counsel Maître Hélène Cissé. Thank you.

2 MS CISSÉ: [15:07:57](Interpretation) Thank you. We want to lay emphasis on the
3 hopes of the witnesses and their expectations before addressing the more practical
4 aspects. We have the impression that the victims have become the orphans of
5 international criminal justice, notably in this case.

6 Now, before anything else, I would like to thank this Chamber for having invited the
7 Legal Representatives of Victims to attend this status conference, to present their
8 views on the application to withdraw the charges in this case, and also to address the
9 very specific circumstances of the case. We take note of the Chamber's efforts to
10 make sure that the victims may actively participate in this case, and that's since 2011.
11 Now, I would like to add a few words following on from the excellent presentation of
12 the context in which the victims find themselves by my colleague, by saying that the
13 right to have rights entails above all the right to give genuine and practical meaning
14 to one's rights in light of one's personal interests as a victim at each stage of the
15 proceedings.

16 These rights are set out at Article 68(3) of the Statute of Rome, and I won't quote it,
17 but I simply wanted to say that in it requesting the withdrawal of the charges, all
18 charges by the Prosecutor, which has been authorised by the Chamber, we see in that
19 a procedure which is at the -- or touches the very heart of the personal interests of the
20 victims, and this even if in the common law system there is a tendency to consider
21 that adversarial proceedings lie in the hands of Prosecutor and the Prosecutor has
22 exclusive rights and victims have little to say.

23 Now, the Chamber has pointed out that the system of the International Criminal
24 Court is a system which is universal and which does its utmost to incorporate two
25 systems: The common law system, which is an adversarial one, and the more

1 continental system, the civil law system, which is more investigative, inquisitorial by
2 nature, but which also provides additional assurances and safeguards to victims,
3 notably when it comes to the hearing of a case.

4 Now, this Chamber has authorised the Prosecutor to withdraw all charges against this
5 accused person. We have said before, and we repeat it here, that the automatic
6 follow-on consequence is that the witnesses are denied their right to a public trial.

7 And that's at the heart of the matter. And it is on this point that the Legal
8 Representatives of Victims make their views known.

9 We note that this Chamber has innovated with respect to prior case law. It has
10 chosen not just to examine the practical aspects of a possible withdrawal of the
11 charges, but, rather, has laid great emphasise on a very important point. And I wish
12 to underline this.

13 In a succession of decisions by this Chamber, the Chamber has said things which the
14 Prosecutor continues to gloss over. The Chamber has authorised the Prosecutor to
15 withdraw the charges, but has referred in its decision, and in its decision of
16 October 2023 and March 2024 has said that it was unjustified that the withdrawal of
17 the charges would lead to a failure to hear the case in open court. In June 2026, the
18 Chamber has said that it did not agree with the Prosecutor and recalled that there
19 continued to be much evidence supporting the charges and leaving the door open to a
20 trial.

21 Now, we haven't heard anything more about that today, but to our minds this is key.
22 We find here the charges being withdrawn despite the fact that the Chamber, which
23 has been appointed, sees the basis for a trial.

24 Now, what are the reasons provided by the Chamber? And here we see something
25 which is particularly problematic. The Chamber has repeatedly said that it does not

1 agree with the Office of the Prosecutor, given that there is a tremendous amount of
2 evidence -- evidence which still supports the charges. And I would recall the
3 various statements made by the Trial Chamber, the Pre-Trial Chamber, the
4 October 2023 decision, the decision on the motion for reconsideration, so how is it that
5 the Chamber has come to authorise the withdrawal of the charges?

6 Well, the Chamber provides the following reasons and these reasons have led to
7 simple disbelief on the part of the victims. The Chamber believes that there are
8 charges, but that the fact that the Prosecutor has decided not to present its case has
9 automatically meant that the rights of the victims are violated. The impact of this
10 denial of justice and the denial to the victims of a public trial means that there is no
11 option, or no possibility of a trial, and this is simply because the Prosecutor has
12 chosen not to proceed to trial, because the Prosecutor believes that the charges are not
13 sufficient to arrive at a conviction. We see in this simple lack of respect and a failing
14 by the Office of the Prosecutor in its duties and obligations under Article 54 of the
15 Statute, which have been recalled by the Chamber.

16 Now, that article is key here, and not Article 60 of the Office of the Prosecutor's
17 regulations which is not even taken into account by the Chamber. That Article says
18 that the Prosecutor shall investigate -- or shall extend the investigation to cover all
19 facts and evidence relevant to an assessment of whether there is criminal
20 responsibility under the Statute, and this, in particular, with respect to charges
21 brought under Article 8 of the Rome Statute. This is of the utmost importance.

22 It is important here to highlight that even in a system which for us as victims or as
23 representatives of civil law systems, or for myself in my role I played in Hissène
24 Habré's trial, that we find a situation where evidence is available to the Chamber
25 regarding these atrocities perpetrated against soldiers of the African Union, which is

1 before the Chamber but shall not be litigated in court.

2 The right to a trial is primary for the victims, not the various debates which take place
3 prior to a trial, but rather the absolute right to a -- to have their day in court, to have a
4 litigation of the case in open court is here denied. By requesting the withdrawal of
5 all charges, the Prosecutor has not aired its position regarding this right to a trial.

6 Not at all. No. The Prosecutor simply tells us that he believes that there is not
7 enough charges to obtain a conviction. But what is the duty of the Prosecutor? The
8 Prosecutor is first and foremost to prosecute a case. The Prosecutor has his
9 obligations under Article 54 of the Statute. The Prosecutor says that he cannot
10 present his case, but it is the very role of the Prosecutor to appear in court, to play his
11 role, to defend his positions, to air his findings, even if he is of the view that the
12 charges may not be upheld at the end of the day. In many jurisdictions, many courts,
13 the prosecutors -- the prosecution nonetheless would present its case. Here, the
14 situation is the same. Can a Prosecutor choose to bring to an end to any trial because
15 the Prosecutor feels, "Oh, perhaps my evidence at the end of the day is insufficient"?
16 No. The Prosecutor must assume his responsibilities. He must appear in court, he
17 must present his findings and his views, even if those views tend to say that the
18 evidence may not be sufficient.

19 There are other parties, there are other participants who may also address the Court,
20 and who will want to remind the Chamber of its responsibilities under Article 64, that
21 it is the Chamber which determines the facts of the outcome -- not the Prosecutor.

22 The Prosecutor has the duty to present the case.

23 It is therefore with disbelief that the Legal Representatives of the Victims and the
24 victims read the decision of the Chamber. The Chamber said that there is no logic,
25 no basis, no *raison d'être* to proceed to trial if the Prosecutor doesn't wish to do so,

1 refuses to do so.

2 So, basically, the victims cannot accept this decision, cannot understand this decision,
3 the fact that a -- there shall be no trial simply because the Prosecutor feels that he
4 doesn't have sufficient basis to uphold the charges. He says his charges are
5 insufficient.

6 Now, because the Prosecutor feels that he doesn't have the wherewithal to present or
7 defend his case, we are all left behind, despite the fact that victims have a right, a
8 right to an airing of the facts, the presentation of the evidence, the presentation of the
9 context, they have the right to have their day in court, which is key to the operation of
10 any and every court. Indeed the International Criminal Tribunal for Yugoslavia and
11 the International Criminal Tribunal for Rwanda have issued decisions stating clearly
12 that full effect must be given to the rights of victims. And even if it is not explicitly
13 stated in the basic texts underpinning this Court, it is vital to the functioning of the
14 Court to do what it must. Any court may innovate, may create jurisprudence, and
15 this Court too.

16 So, the issue is that we find ourselves presented with a situation. The Prosecutor
17 doesn't address the aspect, but the Court itself believes that there is a sufficient basis
18 to go to court, but Article 60 will not be put into effect.

19 So, here we have the Chamber which has confirmed charges and believes that there is
20 the wherewithal to hold a trial, but that trial will never take place because the
21 Prosecutor refuses to assume his responsibilities. The Prosecutor should appear in
22 court and present his case.

23 The victims would also address Court. There are a number of victims which can
24 shed light on the facts, the circumstances of the mission -- victims including people
25 who were operating the radios, who knew exactly what was happening at that time.

1 They, too, could have played their role.

2 And so it is that the victims cannot understand the reasons provided by the Chamber
3 for authorising the withdrawal of the charges, the reason being because the
4 Prosecutor doesn't want to, he doesn't want to present his case.

5 It's incomprehensible. How can the rights of victims simply be done away with
6 simply because the Prosecutor does not want to justify his position in open court?

7 And so it is that we say that here there is an error in the reasoning provided. We see
8 nowhere in the Rome Statute a provision which allows the Prosecutor to bring to an
9 end a trial before it has started.

10 The public has tremendous expectations of this Court, as do the victims, of course.

11 So it is, we believe, that the Court has erred -- has erred and we believe this based on
12 the reasons which have been provided for its decision to authorise the Prosecutor to
13 withdraw the charges. No. There should be a trial. The victims should be
14 allowed to present what they have to say in court. It is true that the prerogative lies
15 with the Prosecutor to prosecute, but others have the obligation to apprise themselves
16 of the facts in a holistic fashion and then to determine where the responsibility lies or
17 does not.

18 The victims have the strongest of concerns. All of the arguments which have been
19 put by the Prosecutor today, the -- we have heard nothing new today with respect to
20 what was considered by the Court in its decisions of October '23 and March '24, other
21 than 1840 - that is P-1840 - and one or two other victims that were referred to today.

22 The victims believe that these matters should be -- should have been debated in court.

23 We do understand that the Chamber sees here a possible violation of equity, a fair
24 trial. The victims -- or the Prosecutor has said that he does not wish to appear in
25 court, he does not want to try the case, but there is the law, there is the Statute and

1 there are the rights of the victims.

2 In the Document Containing the Charges, the Prosecutor repeats that given the
3 relatively modest number of victims involved, and that this not being a mass crime,
4 but, rather, a crime of the utmost importance when it comes to peacekeeping. All
5 victim -- all victims have the same value, as do all human beings. And given the
6 grave infractions of international law being perpetrated day in, day out, it is of the
7 utmost importance that the International Criminal Court ensures that this case is
8 heard. And we seek from the Chamber authorisation to submit an application for
9 reconsideration as a result of an error in reasoning, because we see nowhere in the
10 rules of procedure the possibility to hold a trial simply because the Prosecutor is no
11 longer confident. They should state that position.

12 In our view, there is injustice and I said I was so shocked to note not a word
13 mentioned about justice for the victims and the fact that they were being denied a
14 right to a trial. There was only care taken of the position of the Prosecutor, and yet
15 this is the Prosecutor's duty. These are the rights of the victims to trial, and that is
16 what this is about.

17 So, I wish to say we therefore seek authority to submit an application for
18 reconsideration and we wish to be given a timeline so that we may provide all
19 necessary material to convince the Court of the merits of that application.

20 Secondly, as I was saying earlier, the Chamber's motivation must be recalled, and also
21 the creative power of the Chamber with a view to creating jurisprudence; it is a
22 remarkable power. As such, we hold that it is absolutely necessary to continue with
23 the trial, to move to trial.

24 As for the obligations of the Prosecution, we are in disbelief because, for instance,
25 {ICR: (Redacted)}

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)} Why had they called for maintaining that warrant in 2022? That is unjust.
7 With respect to the role of the Prosecutor, we believe that no text -- certainly Article 54
8 is crystal clear, the Prosecutor has responsibilities and a duty to consider all elements.
9 And how can the Prosecution state that since 2014, there has been wholesale
10 deterioration, whereas in 2022, they had no objection to the warrant for arrest
11 standing. And in 45 years of practice, this is the first time I have witnessed this.
12 So, we say that the OTP cannot in a unilateral discretionary fashion deprive the
13 victims of a trial by way of confidential exchanges that have excluded us since 2014.
14 And we were not even in a position to explain this to the victims. Do you think they
15 believed us when we said we were unaware of the facts, that we had been excluded
16 from all that information? Do you think the victims believed us?
17 I can tell you we have deep relations with those victims. They have been most
18 welcoming of us. But we were not in a position to give them an answer in this case.
19 They did not believe we were serious as their representatives and lawyers, that we
20 were not aware of these matters. And, yet, that is the truth.
21 And, so, we ought to be authorised to explain that there is merit to reconsidering the
22 decision to hold the right to a process simply because of the views of the Prosecutor,
23 who must account for themselves and point to the technicalities that make it
24 impossible to have contact with the Government of Sudan. We recommend that that
25 reconsideration be granted and to further indicate that there is nothing in the texts

1 that would allow the Prosecutor to put forward this position.

2 I'd like to conclude as follows: As regards the explanations, as regards this
3 particular dossier, I am certain that with regard to redactions, what is the purpose of
4 redactions? They're intended to protect the lives, moral and physical health of
5 victims and witnesses. Therefore, these redactions must be directly linked to risks to
6 victims and witnesses. But in many instances here, there was no such risk. What
7 there was was a willingness or determination to safeguard cooperation, which is all
8 well and good as there are negotiations between government and authorities. That
9 is fine, but to conceal information from victims on a situation that is so fast
10 evolving -- and we do not even know when that was done, because in 2022 and 2023
11 there was still reason, as argued by the Prosecution, not to halt the warrant process.
12 So the idea of the redactions is to protect witnesses and victims from concrete danger,
13 but not to ensure that the public and victims cannot understand developments in the
14 case, and to understand why the Prosecutor has changed its position, why initially the
15 Government of Sudan was treated as a criminal so that there was even an accusation,
16 as regards Haskanita, of cooperation, and yet no evidence to advance that position
17 was provided.

18 And there are two points we wish to return to, to revisit. Ultimately, although we
19 know that {ICR: (Redacted)}

20 (Redacted)

21 (Redacted)

22 (Redacted)}. The answer was that the warrant of arrest was to be maintained. So

23 that had no bearing on risks for victims or witnesses, because, as you know, the name
24 of the accused is published on -- as published on the website has always

25 maintained and, indeed, it has always been made public, and it is public knowledge

1 that General Banda was a general. That was public knowledge. You only need to
2 look this information up on the internet. Everyone is aware that he was a general.
3 How many bloody rebellions or wars have taken place in Africa involving
4 governments and rebels and ended in negotiations, and then all of a sudden, the law
5 is suspended? The accused then turns into a victim and, yet, there are people who
6 actually lost their lives --

7 PRESIDING JUDGE PROST: [15:39:13] (Overlapping speakers) Madam Cissé.

8 MS CISSÉ: [15:39:14] -- who lost their minds and who lost their income and --

9 PRESIDING JUDGE PROST: [15:39:17] Counsel, I gave a very clear --

10 MS CISSÉ: [15:39:18] (Overlapping speakers) Oh, okay.

11 PRESIDING JUDGE PROST: [15:39:20] I gave a very clear instruction as to the
12 restraints and constraints of this hearing and the subject matter, and you're straying
13 far from them --

14 MS CISSÉ: [15:39:22] Okay.

15 PRESIDING JUDGE PROST: [15:39:22] -- at this point. So I please encourage you
16 to -- I appreciate the importance of your observations and your speaking on behalf of
17 victims, but I would ask you to bring your remarks to a conclusion. I believe you
18 have very thoroughly presented the position of the victims, so I would ask you to
19 bring this matter to a conclusion, your remarks, please. Thank you.

20 MS CISSÉ: [15:39:46](Interpretation) Thank you, Madam President, and I apologise
21 profusely. It is just that when one is in daily contact with the victims, sees how they
22 suffer, it is hard. I will focus simply on withdrawal of the charges, but fully on the
23 issue of withdrawal of charges.

24 I, therefore, conclude. I reiterate my apology, but once again I focus on withdrawal
25 of the charges.

1 Thank you, Madam President.

2 PRESIDING JUDGE PROST: [15:40:19] *Merci beaucoup*, Ms Cissé. And I thank the
3 Representatives of the Victims for their representations today on behalf of the
4 participating victims. I'll now turn to the Defence.

5 MR TAKU: [15:40:35] May it please, your Honours. I will respond to some of the
6 points, they've raised several points, and thereafter I will ask my co-counsel,
7 Mr Thomas Obhof, also to make some brief submissions before we conclude.

8 Your Honours, when I came here today, there are problems I did not anticipate. You
9 heard very much about the African Union and I can say respectfully that we, and the
10 African Union being the victims of a Westphalian order, the Rome Statute became the
11 very first independent treaty that we joined as subjects of international law and we
12 will guard that jealously. And obviously the African Union cares very much about
13 what's going on in Darfur and peacekeeping operations generally. I have been in all
14 the battlefields, and for one of the first counsel from the ICTR, to the Special Court of
15 Sierra Leone, to ICC, Central Africa, yeah. I've also -- I've also advised governments
16 in the continent as a very senior lawyer in the continent and as a traditional chief, and
17 one of the key significant personalities at the African Union. On 11 February this
18 year, I was on the floor of the Security Council to talk about Africa, about cultural
19 factors in international law. And with that said, the case before you and the case for
20 ICC is individual criminal responsibility. The African Union has not made any
21 complaint here. The African Union is concerned about the genocide in Al Geneina,
22 El Fasher that exterminated millions, for which General Banda and others are fighting
23 to protect. That is what the African Union is interested on.
24 Furthermore, your Honours, about fairness. It was Justice Jackson of counsel of US,
25 at Nuremberg, who said fairness is not an attribute of weakness. And when we look

1 at this accused, we should be fair to them, because if we are unfair to them, it would
2 be like putting a poisoned chalice to our own lips.

3 The Prosecutor in this case has done what he's mandated by the Rome Statute to do.

4 And that's what Africa and the African Union -- in particular, the majority in the

5 Rome Statute architecture, 33, and many more are now coming, came -- because there

6 were -- they saw the possibility of fairness. A court -- in spite of the court of the

7 Westphalian order, they're calling it a court. They saw a court that would respect

8 the independence of the judiciary of the judges, protect the independence -- guard

9 jealously and protect the independence of the Prosecutor. And that's why we will

10 continue to stand resolutely, Africa. And I think it's time, because I have, as I

11 stand -- talk on their behalf, we will respect and protect the independence of this

12 Court and the judges and the Prosecutor. I will continue to do so resolutely. As we

13 leave here and we hear these submissions, the African Union is minded to protect and

14 to say so loudly, because we will no longer be guided by this spirit of Westphalian

15 order that exists in the African Union, a face -- as a faceless institution, used to whip

16 up emotions.

17 Your Honours, the Prosecutor -- we agree with the Prosecutor in the filing that they

18 made on 5 October 2023, in which the Prosecutor stated, and I quote, "The

19 Prosecution is responsible under the Court's legal framework for framing the charges

20 upon which an accused is brought to trial. It must also ensure the effective

21 investigation and prosecution of crimes in full respect of the rights of accused persons

22 and of the interests and personal circumstances of victims and witnesses. In

23 discharging these duties, it's incumbent on the Prosecution to seek to withdraw the

24 charges pursuant to regulation 60 of the Regulations of the Office of the Prosecutor if

25 it considers that the evidence does not support the charges to the requisite standard of

1 any stage in the proceedings."

2 A few weeks ago, the bureau of this Court, the plenary of this Court, you the judges,

3 you made the clarification on the question of withdrawal and took a principled

4 decision on which you are acting now. I do not know whether my colleagues

5 actually read those -- the decision that you took about the amendment clarification.

6 And I think the withdrawal before your orders is consistent with the collective

7 decisions of all the judges of this court, to say that application we brought before you

8 for withdrawal.

9 Your Honours, I must say something with regard to this specific case. I am grateful,

10 your Honours, that you gave me the responsibility to appear before you and defend

11 the interests and the rights of General Banda. You did that, you heard from General

12 Banda himself and made your order that you are certain that he has appointed me

13 and my team to represent him, who followed the mandate faithfully, ethically and

14 responsibly. When you ordered that we could contact him, facilitation with General

15 Banda, we did that, and we reported. I can say it clearly that the record of this Court,

16 because justice is not just about victims only; justice is about, and a criminal trial is

17 also about the historical record, the historical record of this Court, some which people

18 listening may not have seen. They might not have known that General Banda came

19 and was at {ICR: (Redacted)}

20 (Redacted)

21 (Redacted)}. They may not know there was actual mission, and Thomas Obhof went to

22 {ICR: (Redacted)}. At that time, we tried to get state cooperation in order to bring him

23 here. He was there for 30 days and came back here. They could not -- they could not

24 approve the missions. They would not understand that we worked consistently for years.

25 PRESIDING JUDGE PROST: [15:48:16] Counsel.

1 MR TAKU: [15:48:17] Yes.

2 PRESIDING JUDGE PROST: [15:48:18] Chief Taku, please, if we could return to the
3 issue at hand, which is not -- which is not a review of the --

4 MR TAKU: [15:48:22] Thank you.

5 PRESIDING JUDGE PROST: [15:48:22] -- efforts to interview your client. Please --

6 MR TAKU: [15:48:24] Yes.

7 PRESIDING JUDGE PROST: [15:48:25] -- address -- and your client -- address your
8 comments solely to the issue of the withdrawal request of the Prosecution, please.

9 Thank you.

10 MR TAKU: [15:48:37] I take the orders from the Court. I was just replying from
11 very emotive submissions -- very emotive that they are, but they did not concern the
12 substance about the powers of the Prosecutor to withdraw, which are attributes of a
13 fair trial, which we many discuss strong, that persons outside, and victims in crime
14 bases, especially in Africa where this court has been for the past 20 years or more, we
15 know that they would no longer bring cases to the court for trial, which would
16 collapse even at the pretrial. And many have collapsed, and the Prosecutor is right
17 to remedy this situation and bring before you and commit the resources of this Court
18 only for cases for which they can secure a conviction, or even a *prima facie* case. The
19 Prosecutor has made that assessment. It's wholly within the power of the Prosecutor,
20 and I think this is a great occasion in the history of this Court that people will know
21 that the Prosecutor will prosecute vigorously people against whom they find
22 evidence, individuals, and people that the evidence does not meet the standard -- the
23 required standard to go on trial, the Prosecutor will graciously withdraw. Both are
24 victories for this Court. It's the discharge of the responsibility of the Prosecutor.
25 And I think the Prosecutor, as it has the right, judiciously, reasonably, and I explain it.

1 The Prosecutor -- I listened to the Prosecutor, report to the Security Council. This is
2 an additional factor, that they said that evidence came to the Prosecutor -- exculpatory
3 evidence came to the Prosecutor, which the Prosecutor that reviewed in addition to
4 this, I thought that there was no reason to go after General Banda. And I talk about
5 the historical record. I talk about the record of this Court, because in your decisions,
6 prior decisions, when you were considering this case *ex parte*, you considered the
7 possibility that under the civil law system, they may try the case on the record. But
8 the record of the Court shows, report by the {ICR: (Redacted)
9 (Redacted)} shows that -- shows completely that -- that could not proceed; therefore, it
10 is exculpatory. The Prosecutor is right -- right in looking not only at the evidence
11 they have, but the record of this Court from the African Union forces, their field
12 commander, that shows that the evidence was insufficient, or was not enough for
13 them to go on trial.

14 And I think we should respect the Prosecutor's discretion and the Prosecutor's
15 independence. This is what everybody -- every justice seeker -- that is the original
16 objective of the Rome Statute. We are not going to go to trial just because we want to
17 put on a public show. It would bring discredit to the court, and it would be
18 unethical for any Prosecutor to put a person on trial when the Prosecutor is quite sure
19 that the evidence is not enough. It is only the Prosecutor and the Prosecutor alone
20 that can make that calling. And the Prosecutor made that calling.

21 And, your Honours, I totally respect that and I praise the Prosecutor for that.
22 I praise your Lordships who were considering this decision on this basis, because at
23 some point even if they brought that case and started trying, and your Lordships saw
24 that the evidence was insufficient, it was collapsing, you would have the duty also to
25 say, "Look, Prosecutor, go and look at this evidence and determine whether you

1 intend to continue."

2 Your Honours, I do not intend to take up as much time as my colleagues, to waste the
3 precious time of the Court. I only wish to say, I respectfully thank the Prosecutor
4 and thank your Lordships for giving me the opportunity to defend General Banda.
5 I also thank the witnesses of General Banda, some of them who were under the
6 protection of the Court, and many who had been preparing for him to come when he
7 said he was coming -- it was changed into a summons. I thank them, I thank my
8 team, and, your Honours, I thank the Registry that facilitated for all these years who
9 we were in contact, talking with General Banda, and would find many times, he
10 always present, showing the interest to come. There were other factors that
11 prevented, but he was always showing. I thank the Registry for that. I thank the
12 external operations. And I thank on the encouragement of your Lordships we had
13 several meetings with the Prosecutor and external operations with regard to our
14 mandate, and I thank them. And I hope your Honours that this is a very good day
15 for international justice. I pass the -- I ask my colleague Mr Obhof to make other
16 comments.

17 MR OBHOF: [15:53:35] Thank you, your Honours. And following the guidance
18 from the Chamber, I have cut 80 per cent of what I was going to say out.

19 PRESIDING JUDGE PROST: [15:53:52] Thank you, counsel.

20 MR OBHOF: [15:53:57] For everyone watching, for everyone in the courtroom,
21 I would like to make this clear: The problems outlined by my learned colleagues
22 today were problems that existed all these years. They weren't something that came
23 anew. Yes, a few people may have passed away, but we have rules to deal with that;
24 new rules have been instituted in the Rules of Procedure and Evidence.

25 It was because of the perseverance of the Office of the Prosecutor, and continuing

1 their investigations and continuing their inquiries, that made today happen. And

2 I thank the Prosecution for its candour and for its professionalism.

3 Just as we were open during these many years with the Office of the Prosecutor, since

4 Chief and I joined in 2019, and constantly contacting them, they were there talking

5 with us, and they were open to the extent that they could be and they maintained the

6 highest level of professionalism while handling this case in dealing with us, with the

7 Chamber, with the Registry and, yes, even General Banda himself.

8 Thank you, your Honour.

9 PRESIDING JUDGE PROST: [15:55:25] Thank you very much, counsel.

10 Unless there is any other submissions, which I would not anticipate, this will bring

11 this hearing to a conclusion.

12 The Chamber has heard all the observations and has taken note of them.

13 The Prosecution is to take the steps as indicated in the order.

14 Prior to adjourning, I would like to thank the staff, the security, our court Registry,

15 court reporters. I'd like to thank those in the public gallery and those who may be

16 following online.

17 At this point, this hearing is adjourned.

18 THE COURT USHER: [15:56:15] All rise.

19 (The hearing ends in open session at 3.56 p.m.)