

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 16 March 2011

**THE PRESIDENCY**

**Before:** Judge Sang-Hyun Song, President  
Judge Fatoumata Dembele Diarra, First Vice-President  
Judge Hans-Peter Kaul, Second Vice-President

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

**Public**

**Decision constituting Trial Chamber IV and referring to it the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus***

**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  
Ms Fatou Bensouda

**Counsel for the Defence**

Mr Karim A.A. Khan  
Mr Andrew J. Burrow

**Legal Representatives of the Victims**

Mr Brahim Koné  
Ms Hélène Cissé  
Mr Akin Akinbote  
Mr Frank Adaka  
Sir Geoffrey Nice & Mr Rodney Dixon

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for Victims**

Ms Paolina Massidda

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

Mr Xavier-Jean Keïta

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

Mr Didier Preira

**Victims and Witnesses Unit**

Ms Maria Luisa Martinod-Jacome

**Defence Support Section**

Mr Esteban Peralta Losilla

**Victims Participation and Reparations  
Section**

Ms Fiona McKay

**Other**

Pre-Trial Chamber I

**THE PRESIDENCY** of the International Criminal Court (the “Court”);

**NOTING** the decision of Pre-Trial Chamber I, dated 7 March 2011, confirming the charges brought by the Prosecutor of the Court against Mr Abdallah Banda Abakaer Nourain and Mr Saleh Mohammed Jerbo Jamus and committing them for trial (the “decision confirming the charges”);<sup>1</sup>

**NOTING** articles 36, 38 and 39 of the Rome Statute of the International Criminal Court (the “Statute”);

**CONSIDERING** article 61(11) of the Statute, pursuant to which the Presidency shall constitute a Trial Chamber once the charges have been confirmed, which shall be responsible for the conduct of subsequent proceedings;

**CONSIDERING** rule 130 of the Rules of Procedure and Evidence of the International Criminal Court (the “Rules”), pursuant to which the Presidency shall refer the case to a Trial Chamber and transmit to it the decision confirming the charges and the record of the proceedings of the Pre-Trial Chamber in the case;

**CONSIDERING** that on 15 March 2011, the Registrar was ordered to transmit to the Presidency the decision confirming the charges and the record of proceedings in the case before Pre-Trial Chamber I;<sup>2</sup>

**CONSIDERING** that, pursuant to the aforementioned order, the record of the proceedings before Pre-Trial Chamber I and the decision confirming the charges were transmitted, by the Registrar, to the Presidency on 15 March 2011, in accordance with rule 129 of the Rules;<sup>3</sup>

**HEREBY DECIDES** to temporarily attach Judge Silvia Fernández de Gurmendi, currently assigned to the Pre-Trial Division, to the Trial Division;

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<sup>1</sup> Corrigendum of the “Decision on the Confirmation of Charges”, ICC-02/05-03/09-121-Corr-Red.

<sup>2</sup> Order to the Registrar to transmit the Decision on confirmation of charges and the record of the proceedings to the Presidency, ICC-02/05-03/09-122.

<sup>3</sup> Transmission to the Presidency of the Decision on the Confirmation of Charges and of the Record of the Proceedings, ICC-02/05-03/09-123.

**HEREBY CONSTITUTES** Trial Chamber IV with immediate effect:

**Trial Chamber IV**

Judge Fatoumata Dembele Diarra


Judge Joyce Aluoch

Judge Silvia Fernández de Gurmendi

**HEREBY REFERS** the case against Mr Abdallah Banda Abakaer Nourain and Mr Saleh Mohammed Jerbo Jamus to Trial Chamber IV; and

**HEREBY TRANSMITS** the full record of the proceedings before Pre-Trial Chamber I to Trial Chamber IV, including the decision confirming the charges.

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

  
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**Judge Sang Hyun Song**  
**President**

Dated this 16 March 2011

At The Hague, The Netherlands