

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 August 2009

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

SITUATION IN DARFUR, THE SUDAN

IN THE CASE OF THE PROSECUTOR

V.

BAHR IDRIS ABU GARDA

Confidential

Ex Parte only available to the Prosecution

**Prosecution's First Report on Status of the Procedures initiated under Articles 54(3)(e), 73
and 93 in relation to items identified as Potentially Exonerating**

Source: Office of the Prosecutor

ICC-02/05-02/09

10 August 2009

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

The Office of the Prosecutor

Counsel for the Defence

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

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Background

1. On 15 July 2009 the Pre-Trial Chamber I ("the PTC") issued its Decision on Disclosure of 15 July 2009 ("the 15 July Decision"), in which it ordered the Prosecution to file by 10 August, "its first Report on the status of the procedures initiated under Articles 54(3)(e), 73 and 93 in relation to those items identified as Potentially Exonerating pursuant to Article 67(2) or which are material to the preparation of the defence pursuant to rule 77" and to file subsequent status reports every two weeks.
2. The Prosecution hereby submits this first report to the Single Judge pursuant to the above-mentioned order.
Request for Ex parte classification
3. The Prosecution hereby requests that this first report be received on the basis of the order contained in the 15 July Decision¹.

Status of procedures initiated under 54(3)(e) in relation to potentially exculpatory material

4. The Prosecution collected 3732 documents pursuant to 54(3)(e) in the Darfur Situation. From this set of documents, the Prosecution completed its first and second review and identified one (1) document as containing potentially exculpatory material. The Office of the Prosecutor is looking for identical

¹ ICC-02/05-02/09-35 "Second Decision on issues relating to Disclosure" dated 15 July 2009; see also ICC-02/05-02/09-39 : "Decision Ordering the Prosecution to file in the Record of the Case a Public Redacted Version or a Public Note of the Requests for Redactions and of future ex parte filings" dated 30 July 2009

information included in a public document before requesting to the information provider for the lifting of the confidentiality restrictions imposed on this document.

Status of procedures initiated under 54(3)(e) in relation to materials relevant for the preparation of the defence-Rule 77

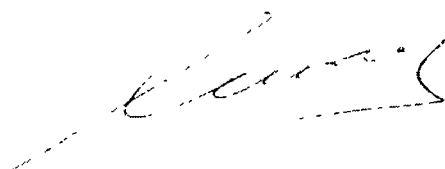
5. The Prosecution collected 3732 documents pursuant to 54(3)(e) in the Darfur Situation. From this set of documents, the Prosecution completed its first and second review and, currently, identified EIGHT (8) documents as potentially containing information that may be material for the preparation of the Defence. The Office of the Prosecutor is looking for identical information included in a public document before requesting to the information provider for the lifting of the confidentiality restrictions imposed on these documents.

54(3)(e) materials in other OTP collections containing potentially exculpatory material under Art.67(2) or may be material for the preparation of the defence – rule 77

6. The Prosecution is conducting a search of all 54(3)(e) materials collected in the other situations with a view to determining whether these materials contain any potentially exculpatory evidence or materials for the preparation of the defence relevant to this case.

Next report

7. In its next report which is due on 24 August 2009, the Prosecution will provide an update of arrangements made with relevant information providers as well as the status of the review exercise being carried out.



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Luis Moreno-Ocampo

Prosecutor

Dated this 10th day of August 2009

At The Hague, The Netherlands