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No.: ICC-02/05-02/09
Date: **1 September 2009**

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

**SITUATION IN THE DARFUR, SUDAN
*IN THE CASE THE PROSECUTOR v. BAHAR IDRIS ABU GARDA***

**Public Document
with Confidential Annex A**

**Prosecution's Communication of Potentially Exonerating Evidence Disclosed to
the Defence on 28 August 2009**

Source: Office of the Prosecutor

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 of Bahar Idriss Abu Garda Mr Karim A.A Khan
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

The Office of the Prosecutor ("Prosecution") herewith notifies Pre-Trial Chamber I ("Chamber") of its disclosure, on 28 August 2009, to the Defence team of Bahar Idriss Abu Garda, of five items of potentially exonerating evidence. This disclosure took place pursuant to Article 67(2) of the Rome Statute and in accordance with the Chamber's "Second Decision on issues relating to Disclosure"¹.

Request for Confidentiality

Annex A appended to this communication contains the "Disclosure Note" provided to the Defence team. The Prosecution requests that this annex be received as "Confidential" since it relates to *inter partes* disclosure.



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Luis Moreno-Ocampo

Prosecutor

Dated this 1st day of September 2009

At The Hague, The Netherlands

¹ ICC-02/05-02/09-35