



Original: **English**

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 Annexes A, B, C and D
Prosecution's Communication of Incriminating 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") hereby files in the record of the case of the *Prosecutor V. Bahar Idriss Abu Garda* the originals of the documents disclosed to the Defence team as incriminatory evidence on 28 August 2009.

Request for Confidentiality

Annexes A¹, B², C³ and D⁴ appended to this communication contain the form and lists referring to the disclosure which took place on 28 August 2009. The Prosecution requests that the above-mentioned annexes be received as "Confidential" since they relate to *inter partes* disclosure.



.....
Luis Moreno-Ocampo

Prosecutor

Dated this 1st day of September 2009

At The Hague, The Netherlands

¹ Chain of Custody Form for disclosure package 1 of 28 August 2009 (showing handover of original incriminatory materials disclosed to the Defence.

² List of hard copies

³ List of electronic documents disclosed and status of original container

⁴ List of documents not provided.