



Original: **English**

No.: ICC-02/05-02/09
Date: **4 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 and C**

**Prosecution's Communication of Incriminating Evidence Disclosed to the Defence
on 1 September 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 1 September 2009, to the Defence team of Bahar Idris Abu Garda, of three packages of incriminating evidence: INCRIM packages 2, 3 and 4. INCRIM packages 2 and 3 contained 68 and 9 documents respectively. INCRIM package 4 contained 109 documents and 2 items of audio visual material.

Two documents (DAR-OTP-0154-0214 and DAR-OTP-0167-0339) are listed in the Disclosure Note relating to INCRIM package 3 as well as the Disclosure Note relating to INCRIM package 4. However, the two documents are only contained in INCRIM package 3. This matter has already been clarified to the Defence during the disclosure meeting of 1 September 2009.

This disclosure took place in accordance with the Chamber's "Second Decision on issues relating to Disclosure"¹.

Request for Confidentiality

Annexes A, B and C appended to this communication contain the "Disclosure Notes" provided to the Defence team. The Prosecution requests that these annexes be received as "Confidential" since they relate to *inter partes* disclosure.



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Luis Moreno-Ocampo, Prosecutor

Dated this 4th day of September 2009

At The Hague, The Netherlands

¹ ICC-02/05-02/09-35