



Original: **English**

No.: **ICC-02/05-02/09**
Date: **9 September 2009**

PRE-TRIAL CHAMBER I

Before: Judge, Cuno Tarfusser Single Judge

SITUATION IN DARFUR, THE SUDAN

IN THE CASE OF THE PROSECUTOR

V.

BAHAR IDRIS ABU GARDA

Public Document with Confidential *ex parte* Annex

**Prosecution's Notification to the Chamber of the Summary
To be Relied Upon Pursuant to Article 61(5) of the Rome Statute
For Witness DAR-OTP-WWWW-0442**

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

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

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Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Other

Notification of Summary for Witness DAR-OTP-WWWW-0442

1. The Prosecution (or “OTP”) hereby notifies the Single Judge of its intention, pursuant to Article 61(5) of the Rome Statute, to rely on a summary in lieu of the interview transcript of Witness DAR-OTP-WWWW-0442. A copy of the summary is annexed to this filing as Confidential *ex parte* Prosecution ONLY Annex “A”, and will be disclosed to the Defence forthwith.
2. This witness was interviewed by investigators of OTP pursuant to Article 55(2) of the Rome Statute. The interview was audio-recorded and therefore needs to be transcribed. The interview was conducted between 26 and 28 August 2009 and the OTP has already requested that a transcript be prepared.
3. As soon as the transcript becomes available, the Prosecution proposes to disclose it to the Defence and the OTP will rely on it during the Confirmation Hearing, having first sought any redactions that may be necessary from the Single Judge.¹



Luis Moreno-Ocampo, Prosecutor

Dated this 9th day of September 2009

At The Hague, The Netherlands

¹ The Single Judge will note that the name and other identifying information of the witness have not been concealed in the Summary. The witness has agreed to the disclosure of his identity to the Defence and does not have protection concerns. As such, the Prosecution is not making any application for redaction of this information pursuant to Article 68(5) and Rule 81(4) of the Rules of Evidence and Procedure, as regards this witness. However, the Prosecution still anticipates that it will be seeking the redaction to the transcript of other information that falls under Rule 81(4), and of information that falls under Rule 81(2).