

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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 Note of

Prosecution's Third Report on Status of the Procedures initiated under Articles 54(3)(e), 73 and 93 in relation to items identified as Potentially Exonerating and materials relevant for the Preparation of the Defence filed on 8 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

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

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. Also, in its decision of 30 July 2009¹, the Single Judge ordered the Prosecution to file in the record of the case a public redacted version or a note of *ex parte* Prosecution filings.
3. Pursuant to the above-mentioned order, the Prosecution files in the record of the case this public note of its third status report filed on 8 September 2009.²

STATUS REPORT

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

4. The Prosecution will be able to disclose to the Defence the ONE document under this category on or before the deadline-10 September 2009.

¹ 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.

² ICC-02/05-02/09-86-Conf-Exp

Material for the preparation of the Defence –Rule 77

5. The Prosecution has requested the information provider to lift restrictions to the eight documents under this category. The Prosecution will keep the Chamber regularly informed of the status of these documents.

Article 54(3)(e) materials in other OTP collections containing potentially exculpatory material under Article 67(2) or may be material for the preparation of the Defence – Rule 77

6. In its review of materials in its other collections, the OTP has not identified any document containing potentially exculpatory evidence or information material to the preparation of a relevant Defence in this case.

Next report

7. The Prosecution will provide regular updates of its arrangements with regards to materials mentioned in para. 5 above.



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Luis Moreno-Ocampo, Prosecutor

Dated this 9th day of September 2009

At The Hague, The Netherlands