



Original: **English**

No.: ICC-02/05-02/09
Date: **18 September 2009**

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

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

**Public Document
with Confidential Annexes A and B**

**Prosecution's Communication of Incriminating Evidence Disclosed to the Defence
on 14 and 17 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 to the Defence team of Bahar Idriss Abu Garda of 2 packages of incriminating evidence: INCRIM packages 8 and 9 comprising 6 and 8 documents respectively. Package 8 was disclosed on 14 September 2009. Package 9 was disclosed on 17 September 2009.

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

Request for Confidentiality

Annexes A and B 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 18th day of September 2009
At The Hague, The Netherlands

¹ ICC-02/05-02/09-35