

ANNEX I



Original: **English**

No.: **ICC-02/05-02/09**

Date: **14 October 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 Redacted Version

Corrigendum to the “ Prosecution’s Notification to the Chamber of the Summaries to be relied upon in lieu of the Transcripts of Witnesses DAR-OTP-WWWW-0305, DAR-OTP-WWWW-0307 and DAR-OTP-WWWW-0314, and Request for Authorisation for Non-disclosure in the Summaries of Identities of Witnesses and Members of their Families Contained in the Transcripts, Pursuant to Article 68(5) of the Rome Statute and 81(4) of the Rules of Procedure and Evidence, filed on 17 August 2009” which was filed on 19 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

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

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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

Background

1. On 17 August 2009, the Single Judge issued the “ First Decision on Prosecutor’s request for redactions”¹ with a Confidential Ex Parte Annex containing her detailed decision on the redactions sought for Redactions to statements of Witnesses DAR -OTP-WWWW-0326, DAR-OTP-WWWW-0355, DAR-OTP-WWWW-0416, DAR-OTP-WWWW-0417, DAR-OTP-WWWW-0419, DAR-OTP-WWWW-0420, and DAR-OTP-WWWW-0421, Pursuant to Rules 81(2) and 81(4)² (“First Decision on Redactions”).
2. At page 20 of the Confidential Ex Parte Annex to the First Decision on Redactions, the Single Judge granted the redaction of the names of prospective OTP witnesses [TEXT REDACTED] and [TEXT REDACTED] pursuant to Rule 81(2) of the Rules of Procedure and Evidence, as requested by the Prosecution in relation to the last sentence in paragraph 45 of page 0359 of the Statement of Witness DAR-OTP-WWWW-0355 [TEXT REDACTED]. The Single Judge went on to rule, that as a matter of consistency the reference to [TEXT REDACTED] in paragraph 112 of the same Witness’s Statement is to be redacted on the same basis.
3. On 17 August 2009, the Prosecution filed the “Prosecution’s Notification to the Chamber of the Summaries to be relied upon in lieu of the Transcripts of Witnesses DAR-OTP-WWWW-0305, DAR-OTP-WWWW-0307 and DAR-OTP-WWWW-0314, and Request for Authorisation for Non-disclosure in the Summaries of Identities of Witnesses and Members

¹ ICC-02/05-02/09-51-Conf

² ICC-02/05-02/09-51-Conf-Exp-Anx 1

of their Families Contained in the Transcripts, Pursuant to Article 68(5) of the Rome Statute and 81(4) of the Rules of Procedure.”³ Summaries of the transcripts of these three witnesses were annexed to the filing as Confidential *Ex parte* Annexes “A”, “B” and “C”, respectively.

Errors noticed

4. The Prosecution notes some typographical, grammatical, formatting and numbering errors in the Summary of Transcript of Interview of Witnesses DAR-OTP-WWWW-0307, filed as Confidential *Ex parte* Annex “B” and DAR-OTP-WWWW-0314 filed as Confidential *Ex parte* Annex “C” to the filing.
5. The Prosecution notes that the content of paragraph 42 page 6 of Confidential *Ex parte* Annex “A” does not accurately reflect the words of the witness in the transcript of interview in this regard.
6. The Prosecution notes that Confidential *Ex parte* Annex “A” to the filing contains references to the name [TEXT REDACTED] in paragraph 46 at page 6, which the Prosecution believes to refer to [TEXT REDACTED] which the Single Judge had ordered to be redacted.
7. The Prosecution notes that Confidential *Ex parte* Annex “B” to the filing contains references to the name of [TEXT REDACTED] in paragraph 113 at page 16, which the Single Judge had ordered to be redacted.

³ ICC-02/05-02/09-54-Conf-Exp

8. The Prosecution notes that Confidential *Ex parte* Annex “C” to the filing contains references to the name of [TEXT REDACTED] in paragraph 70 and the name [TEXT REDACTED] in paragraphs 70 and 71 at page 10, which the Single Judge had ordered to be redacted.
9. [TEXT REDACTED]

Corrections made

Confidential Ex parte Annex “A”

10. The Prosecution has made some corrections of a grammatical and formatting nature.
11. In addition, the Prosecution has removed the sentence reading [TEXT REDACTED] in paragraph 46 at page 6.
12. In addition, the Prosecution has replaced two sentences in paragraph 42 page 6.
The original sentences read: *"I do not know the reasons behind the attack on the AU compound. It was the work of criminals who planned it and I do not know why they did it."* They now read: *"Those who did it were criminals. I do not know why they carried out the attack. It was those that split from the movement. I could not know what their intention was."*

Confidential Ex parte Annex “B”

13. The Prosecution has made some corrections of a grammatical and formatting nature.

14. In relation to this Annex, the Prosecution has removed the reference to [TEXT REDACTED]“in paragraph 113 at page 16, which appears in paragraph 116 at page 16 of the corrected version of Confidential *ex parte* Annex “B”.

Confidential *Ex parte* Annex “C”

15. The Prosecution has made some corrections of a grammatical and formatting nature.
16. In relation to this Annex, the Prosecution has removed from page 3 paragraph 20 the words [TEXT REDACTED] from the first sentence reading [TEXT REDACTED].
17. The Prosecution has also removed from page 10 paragraph 70 the part reading [TEXT REDACTED] The Prosecution accordingly has also removed the first sentence of paragraph 71 reading [TEXT REDACTED]

Impact of corrections made

18. The correction of the above stated errors does not in any way affect or alter the content of the Summaries of the Transcripts of Witnesses DAR-OTP-WWWW-0305, DAR-OTP-WWWW-0307 and DAR-OTP-WWWW-0314
19. Accordingly, the Prosecution herewith provides :

- (a) Corrected version of the Confidential *ex parte* Annexes "A" , "B" and "C" which shows all the changes made; and
- (b) Clean copies of the corrected version of Confidential *ex parte* Annexes "A" , "B" and "C", which shall be the authoritative versions of the Summaries to be relied upon in lieu of the Transcripts of Witnesses DAR-OTP-WWWW-0305, DAR-OTP-WWWW-0307 and DAR-OTP-WWWW-0314.



Luis Moreno-Ocampo
Prosecutor

Dated this 14th day of October 2009
At The Hague, The Netherlands