



Original: **English**

No.: ICC-02/05-03/09

Date: **13 June 2011**

TRIAL CHAMBER IV

Before:

**Judge Joyce Aluoch, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Silvia Fernández de Gurmendi**

SITUATION IN THE DARFUR, SUDAN

IN THE CASE OF *THE PROSECUTOR*

v.

ABDALLAH BANDA ABAKAER NOURAIN

&

SALEH MOHAMMED JERBO JAMUS

Public Document

With the Confidential *Ex Parte* Prosecution Only Annex "A"

**Prosecution's Update as Regards the Ongoing Consultations Concerning the
Article 54(3)(e) Documents**

Sources: 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

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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States' Representatives

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Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. BACKGROUND

1. On 30 May 2011, the Chamber issued a decision instructing the Prosecution, in the light of the Agreement, to *inter alia* provide an update as regards the ongoing consultations concerning the ten Article 54(3)(e) documents by 16.00 on 13 June 2011.¹

II. PROSECUTION'S SUBMISSIONS

2. The Prosecution recalls that at the Status Conference held on 19 April 2011² and in its subsequent filing dated 9 May 2011,³ it informed the Chamber in relation to the status of the lifting procedures of article 54(3)(e) materials.
3. The Prosecution hereby informs the Chamber that, since 9 May 2011, the consultations with the information provider for full disclosure of eight documents have been ongoing. A formal letter requesting lifting of restrictions imposed pursuant to article 54(3)(e) was sent to the information provider, followed by a series of reminders, the last of which was by an email and a telephone conversation, both on 5 May 2011. The Prosecution is continuing to liaise with the provider, and expects a formal response in the near future. The Prosecution will update the Chamber of any further developments in this regard.
4. In respect of two further documents mentioned during the 19 April 2011 status conference,⁴ the Prosecution has now received a written response from the information provider which is appended as Confidential *Ex Parte* and Prosecution only Annex "A" to this filing. This written response is so

¹ ICC-02/05-03/09-155.

² ICC-02/05-03/09-T-10-ENG ET WT, pp. 26-27.

³ ICC-02/05-03/09-142.

⁴ ICC-02/05-03/09-T-10-ENG CT WT 19-04-2011, page 26 line 14 to page 27 line 17.

classified because it relates to confidential information obtained pursuant to Article 54(3)(e) as well as the identity of the information provider.

5. The Prosecution proposes to make a separate filing to the Chamber in order to provide a solution to this matter.



Luis Moreno - Ocampo

Dated this 13th Day of June 2011

At The Hague, The Netherlands