



Original: English

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

Date: 29 June 2011

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Silvia Fernandez de Gurmendi

SITUATION IN THE DARFUR, SUDAN

IN THE CASE OF *THE PROSECUTOR*

v.

ABDALLAH BANDA ABAKAER NOURAIN

&

SALEH MOHAMMED JERBO JAMUS

Public Document

Prosecution and Defence's Submission of a Public Redacted Version of
Confidential Annexure "A" to the "Joint Submission by the Office of the
Prosecutor and the Defence Regarding the Contested Issues at the Trial of the
Accused Persons"

Sources: Office of the Prosecutor
Defence Team of Abdallah Banda Abakaer Nourain
Defence Team of Saleh Mohammed Jerbo Jamus

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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Mr. Frank Adaka
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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. This filing is jointly submitted by the Office of the Prosecutor and Defence Counsel for Mr. Abdallah Banda Abakaer Nourain and Mr. Saleh Mohammed Jerbo Jamus (the "Parties").
2. On 16 May 2011, the Parties filed joint submissions informing the Trial Chamber *inter alia* that they had reached certain agreements as to evidence pursuant to Rule 69 of the Rules of Procedure and Evidence.¹ The Rule 69 agreement as to evidence was attached to the joint submissions as "Confidential Annexure A".²
3. On 22 June 2011, the Trial Chamber ordered the Parties to file a public redacted version of the Rule 69 agreement by 16.00 on 29 June 2011, such version having first been approved by the Trial Chamber.³
4. Therefore, pursuant to the Trial Chamber's order, the public redacted version of the Rule 69 agreement is annexed to this filing.

¹ Joint Submission by the Office of the Prosecutor and the Defence Regarding the Contested Issues at the Trial of the Accused Persons, ICC-02/05-03/09-148, 16 May 2011, para. 4.

² ICC-02/05-03/09-148-Conf-AnxA.

³ Order requesting observations from the legal representatives on the agreement as to evidence pursuant to Rule 69 of the Rules of Procedure and Evidence, ICC-02/05-03/09-165, 22 June 2011, para. 7.

Respectfully Submitted,



Luis Moreno-Ocampo
Prosecutor

Dated this 29th Day of June 2011

At The Hague, The Netherlands



Mr. Karim A. A. Khan QC
Lead Counsel



Mr. Nicholas Koumjian
Co-Lead Counsel

for Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus

Dated this 29th Day of June 2011

At Nairobi, Kenya

Dated this 29th Day of June 2011

At Los Angeles, United States