



Original: **English**

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

Date: **5 August 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 Annex "A"**

Prosecution's Updated List of Witnesses

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

Mr. Luis Moreno-Ocampo
Ms. Fatou Bensouda
Mr. Ade Omofade

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Mr. Frank Adaka
Sir Geoffrey Nice QC & Mr. Rodney Dixon

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for the 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

Ms. Maria Luisa Martinod-Jacome

Detention Section

Victims Participation and Reparations Section **Other**

1. The Prosecution informs the Chamber that it is adding three witnesses to its list of witnesses, if the trial proceeds on the basis of the Agreed Facts, and accordingly attaches an updated List of Witnesses.
2. On 13 June 2011 the Prosecution filed an amended list of the witnesses it intends to rely on should the trial proceed on the basis of the Agreed Facts between the Parties.¹ This list contained 16 witnesses.
3. During the Status Conference on 12 July 2011 ("12 July Status Conference"), the Prosecution informed the Trial Chamber that although it has now removed four witnesses from this list,² it still intends to interview a number of new witnesses and will be in a position to file an updated list of witnesses once those interviews have been completed and signed witness statements obtained.³
4. The Prosecution now informs the Trial Chamber that between 20 and 30 July 2011, it interviewed **four** additional witnesses – DAR-OTP-WWW-0484, DAR-OTP-WWW-0485, DAR-OTP-WWW-0486 and DAR-OTP-WWW-0487 - and obtained signed statements from them. The Prosecution intends to rely only on **three** of these new witnesses (DAR-OTP-WWW-0485, DAR-OTP-WWW-0486 and DAR-OTP-WWW-0487) should the trial proceed on the basis of the Agreed Facts between the Parties.
5. The Prosecution is continuing its investigative activities, and as indicated during the 12 July Status Conference, continues to consider whether the number of witnesses it intends to rely can be further revised in light of the

¹ ICC-02/05-03/09-162, para 7.

² Reducing the list of witnesses to 12.

³ ICC-02/05-03/09-T-12-ENG at page 5 line 16 to page 7 line 9.

Agreed Facts between the parties.⁴ However, the Prosecution deems it appropriate at this stage to provide an updated list of witnesses now reflecting the inclusion of these three witnesses. The updated List of Witness is attached to this filing as Annex "A".

6. The Prosecution will conduct a review of the statement of DAR-OTP-WWW-0484 (the witness that it does not seek to rely on) in order to determine whether it contains any material that is potentially exculpatory pursuant to Article 67(2) of the Statute, or is material to the preparation of the Defence pursuant to Rule 77 of the Rules of Procedure and Evidence.⁵



Luis Moreno – Ocampo
Prosecutor

Dated this 5th day of August 2011

At The Hague, The Netherlands

⁴ICC-02/05-03/09-T-12-ENG at page 7 lines 7 to 9.

⁵ The Prosecution will submit an application for redactions to these four witness statements in a separate filing.