

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: 19 June 2012

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Silvia Fernandez de Gurmendi
Judge Chile Eboe-Osuji

SITUATION IN DARFUR, THE SUDAN

IN THE CASE OF THE PROSECUTOR

V.

***ABDALLAH BANDA ABAKAER NOURAIN AND SALEH MOHAMMED JERBO
JAMUS***

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

**Prosecution's Notification of Disclosure to the Defence of
Potentially Exonerating and Rule 77 Material on 8 June 2012**

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

Ms. Fatou Bensouda, Prosecutor

Counsel for the Defence

Mr. Karim A.A. Khan QC

Mr. Nicholas Koumjian

Legal Representatives of Victims

Ms. Hélène Cissé

Mr. Jens Dieckmann

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

Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Court Interpretation and Translation
Section**

1. The Office of the Prosecutor (“Prosecution”) hereby notifies Trial Chamber IV that on 8 June 2012, it re-disclosed to the Defence team of Messrs. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus (“Defence”) the statements of witnesses **DAR-OTP-P-0447** and **DAR-OTP-P-0421**. These statements had previously been disclosed as incriminatory evidence, but have now been re-disclosed pursuant to Article 67(2) and Rule 77, respectively.

2. On the same day, the Prosecution also re-disclosed the annexes to the interview transcripts of witnesses **DAR-OTP-P-0306** and **DAR-OTP-P-0312**, previously disclosed as incriminating evidence.¹ These have now been re-disclosed pursuant to Article 67(2) to make them consistent with the categorization of the interview transcripts to which they relate.² Finally, also on 8 June 2012, the Prosecution re-disclosed the annexes provided by witnesses **DAR-OTP-P-0304** and **DAR-OTP-P-0305** previously disclosed as incriminatory evidence.³ The annexes were re-disclosed pursuant to Rule 77 - the same category as their related witness interview transcripts.⁴

1 These annexes were disclosed on 8 July 2010 through INCRIM packages 1 and 2, communicated to Pre-Trial Chamber I on 9 July 2010 (ICC-02/05-03/09-51).

2 The interview transcripts of witnesses DAR-OTP-P-0306 and DAR-OTP-P-0312 were disclosed to the Defence on 21 December 2011 through “PEXO package 3”, in redacted form (ICC-02/05-03/09-271).

3 These annexes were disclosed on 8 July 2010 through INCRIM package 1, communicated to Pre-Trial Chamber I on 9 July 2010 (ICC-02/05-03/09-51).

4 The interview transcripts of witnesses DAR-OTP-P-0304 and DAR-OTP-P-0305 were disclosed to the Defence on 21 December 2011 through “Rule 77 package 5”, in redacted form (ICC-02/05-03/09-271).

Request for Confidentiality

3. Annexes A and B appended to this communication contain the “Disclosure Notes” provided to the Defence. The Prosecution requests that these annexes be received as “Confidential” since they relate to *inter partes* disclosure.



Fatou Bensouda
Prosecutor

Dated this 19th day of June 2012

At The Hague, The Netherlands