

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 2 August 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", "B" and "C"**

**Prosecution's Notification of Disclosure to the Defence of Incriminating,
Potentially Exonerating and Rule 77 Material on 18 July 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

Defence Support Section

Deputy Registrar

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 (“Chamber”) that, on 18 July 2012, it re-disclosed to the Defence teams of Messrs. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus the statements of witnesses DAR-OTP-P-0315, DAR-OTP-P-0355, DAR-OTP-P-0416, DAR-OTP-P-0419, DAR-OTP-P-0446 and four related photographs as incriminatory evidence. The Prosecution also re-disclosed the statement of witness DAR-OTP-P-0447 pursuant to Article 67(2). The above re-disclosure followed from the lifting of certain redactions to the identifying information of third parties authorised by the Chamber in its *Decision on the “Prosecution’s Application for Variation of Protective Measures Pursuant to Regulation 42 of the Regulations of the Court by Lifting Certain Redactions Authorised Pursuant to Rule 81(4) of the Rules of Procedure and Evidence”* rendered on 13 July 2012.¹ Furthermore, as notified by the Prosecution on 4 June 2012,² the statement of witness DAR-OTP-P-0419 and the related metadata has now been disclosed with the redactions to the name of a former OTP investigator lifted.

2. On the same day, the Prosecution also re-disclosed to the Defence the statement of witness DAR-OTP-P-0484 as “material to the preparation of the defence” pursuant to Rule 77 with the redactions to the identifying information of certain third parties lifted.

¹ ICC-02/05-03/09-368.

² ICC-02/05-03/09-341-Red, paras 16-17.

Request for Confidentiality

3. Annexes "A", "B" and "C" appended to this notification 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 2nd day of August 2012

At The Hague, The Netherlands