

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 August 2012

TRIAL CHAMBER IV

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

SITUATION IN THE DARFUR, SUDAN

IN THE CASE OF *THE PROSECUTOR*

v.

ABDALLAH BANDA ABAKAER NOURAIN

&

SALEH MOHAMMED JERBO JAMUS

PUBLIC DOCUMENT

**Public Redacted Version of "Prosecution's Further Update on the Protection of
Witness P-0307 and Request for Variation of Protective Measures Related to
Witness P-0307 Pursuant to Regulation 42 of the Regulations of the Court",
filed on 27 August 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 the Victims

Ms. Hélène Cissé

Mr. Jens Dieckmann

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

Mr. Didier Preira

Detention Section

Victims and Witnesses Unit

Ms. Maria Luisa Martinod-Jacome

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. On [REDACTED] Trial Chamber IV (“Chamber”) authorised, on a temporary basis, redactions to [REDACTED] of Prosecution trial witness P-0307 contained in his interview transcript and related annex, pursuant to Rule 81(4) of the Rules of Procedure and Evidence (“Rules”). [REDACTED].

2. Accordingly, pursuant to Regulation 42 of the Regulations of the Court, the Office of the Prosecutor (“Prosecution” or “OTP”) now seeks to lift the temporary redactions to witness P-0307’s name and other identifying information in his interview transcript and related annex, [REDACTED], [REDACTED].

II. Background

3. On [REDACTED] the Chamber authorised redactions, on a temporary basis, to [REDACTED] of witness P-0307 in the transcripts of the witness’s interview and annex thereto.¹ [REDACTED],² [REDACTED].³

4. [REDACTED],⁴ [REDACTED].⁵

5. On 6 August 2012, the Prosecution filed its “*Update on the Protection of Witness P-0307*” [REDACTED] (“6 August 2012 Update”).⁶

¹ [REDACTED].

² [REDACTED].

³ [REDACTED].

⁴ [REDACTED].

⁵ [REDACTED].

⁶ [REDACTED].

III. Prosecution's Submissions

6. [REDACTED].⁷ [REDACTED].⁸ [REDACTED].⁹ [REDACTED].

7. In light of the above, the OTP assesses that there are no longer any impediments to the disclosure of witness P-0307's identity to the Defence and the accused persons. [REDACTED]¹⁰ [REDACTED]. [REDACTED].¹¹

IV. Request for Receipt of the Filing as Confidential – *Ex Parte*

8. The Prosecution submits that the classification of this filing as "*Confidential - Ex Parte - Prosecution and VWU Only*" is necessary. The filing discusses issues relating to [REDACTED] not disclosed to the Defence or publicly. The filing also relates to [REDACTED]. [REDACTED].¹² The Prosecution will file a public redacted version of this filing.

V. Relief Sought

9. For the reasons set out above, the Prosecution respectfully seeks variation of protective measures relating to witness P-0307 by lifting the temporary redactions of his name and other identifying information in his interview transcript and related annex.¹³ [REDACTED].

⁷ [REDACTED].

⁸ [REDACTED].

⁹ [REDACTED].

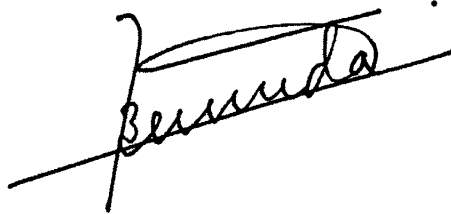
¹⁰ [REDACTED].

¹¹ [REDACTED].

¹² [REDACTED].

¹³ Transcript of Interview of Witness DAR-OTP-P-0307 at DAR-OTP-0158-0026 through 0222, and Annex DAR-OTP-0152-0012 (English Translation at DAR-OTP-0167-0038) provided by this witness.

10. Further, the Prosecution seeks the Chamber's authorisation to re-disclose witness P-0307's interview transcript and related annex to the Defence.

A handwritten signature in black ink, appearing to read 'Fatou Bensouda', is written over a horizontal line.

Fatou Bensouda
Prosecutor

Dated this 30th day of August 2012

At The Hague, The Netherlands