

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 31 August 2012

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Silvia Fernández 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

**Public Redacted Version of "Update on the outcome of the Prosecution's efforts to
contact Witnesses P-0304, P-0305 and P-0306", filed on 6 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

Victims and Witnesses Unit
Ms Maria Luisa Martinod-Jacome

Detention Section

Victims Participation and Reparations Section

Other

I. Background

1. [REDACTED],¹ [REDACTED].² [REDACTED].³

2. [REDACTED].⁴ [REDACTED], the Prosecution provided an update to the Chamber on its efforts to contact these three witnesses with a view to obtaining their consent to the disclosure of their identities to the Defence.[REDACTED].⁵

3. [REDACTED].⁶

Witness P-0304

4. .[REDACTED] The Prosecution will continue to deploy its best efforts to locate this witness, [REDACTED].

Witness P-0305

5. On 15 June 2012, the OTP confirmed [REDACTED]. [REDACTED]. [REDACTED] [REDACTED].⁷ He also consented to the disclosure of his identity and witness statement to the Defence. [REDACTED].

Witness P-0306

6. [REDACTED] [REDACTED], it has not yet been able to speak with P-0306 and consequently, has not yet been able to obtain his consent to the disclosure of his identity to the Defence or to facilitate VWU's contact with him so that they may conduct a security assessment.⁸ The Prosecution will continue to deploy its best efforts to speak with this witness in order to obtain his consent for his identity to be

¹ [REDACTED].

² [REDACTED].

³ [REDACTED].

⁴ [REDACTED].

⁵ [REDACTED].

⁶ [REDACTED].

⁷ [REDACTED].

⁸ [REDACTED].

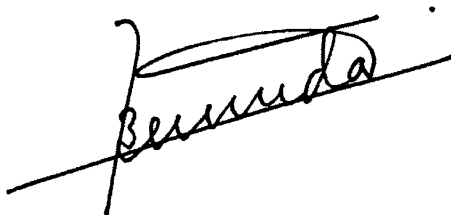
disclosed to the Defence, and will revert to the Chamber on the outcome of these efforts.

7. [REDACTED].⁹

8. [REDACTED]. In the meantime, however, the Prosecution will continue to deploy its best efforts to contact P-0304 and speak with P-0306, and will update the Chamber on the outcome of these efforts.

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

9. 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 witnesses whose identities are currently not disclosed to the Defence or the public, and concerns security-related matters for those witnesses. [REDACTED]. The Prosecution will file a public redacted version or a public note of this filing.



Fatou Bensouda

Prosecutor

Dated this 31st day of August 2012

At The Hague, The Netherlands

⁹ [REDACTED].