

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 19 November 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

**Prosecution's Notification of Disclosure to the Defence of Incriminatory Material
on 6, 17 and 20 September 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 (“the Prosecution”) herewith notifies Trial Chamber IV (“the Chamber”) that on 6 September 2012 it re-disclosed, as incriminatory material, to the Defence teams of Messrs. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus the statements of witnesses P-0445, P-0446 (2nd statement), P-0485 and P-0487¹ with redactions previously applied to the name and signature of a former OTP investigator and some of the metadata now lifted.

2. The same day, the Prosecution disclosed to the Defence the audio translations into Zaghawa of the statement of Prosecution witness DAR-OTP-P-0439 (DAR-OTP-0175-0002).² This item was disclosed to the Defence in redacted form through “INCRIM package 33”.

3. On 17 September 2012, the Prosecution also re-disclosed, as incriminatory material, the statements of witnesses P-0315 (1st statement), P-0326, P-0416 (1st statement), P-0419 (1st and 2nd statements), P-0446 (1st statement), P-0486 and P-0439 (together with its Annexes “4”, “7”, “8” and “9”),³ as well as a number of photographs and annexes related to these statement, with certain redactions to the identifying information of third parties now lifted. In the re-disclosed statements of witnesses P-0419 (2nd statement)⁴ and P-0486 (statement and Annexes “A” to “C”),⁵ redactions to some of the related metadata and the name of a former OTP investigator were also lifted.

4. The above re-disclosure was pursuant to the Chamber’s “*Decision on the prosecution’s applications for lifting redactions on material related to Witnesses 315, 442 and 486 pursuant to Regulation 42 of the Regulations of the Court*”⁶ and to the “*Decision on the prosecution’s applications for lifting redactions on material relating to Witnesses 307, and*

¹DAR-OTP-0170-0196, DAR-OTP-0176-0018, DAR-OTP-0181-0177 and DAR-OTP-0181-0158. The relevant items were disclosed in the INCRIM package 32.

² Audio translation of this statement at DAR-OTP-0184-0239.

³ The relevant items were disclosed in INCRIM package 34. The package consisted of 46 items.

⁴ DAR-OTP-0168-0168.

⁵ DAR-OTP-0181-0204 (statement), DAR-OTP-0181-0234 (Annex A), DAR-OTP-0181-0236 (Annex B), DAR-OTP-0181-0238 (Annex C).

⁶ ICC-02/05-03/09-392.

487 pursuant to Regulation 42 of the Regulations of the Court”,⁷ both rendered on 12 September 2012.

5. Pursuant to the first of these decisions,⁸ on 20 September 2012 the Prosecution also re-disclosed, as incriminatory material, the transcripts of witness P-0442’s first and second interviews⁹ with certain redactions to the identifying information of third parties now lifted.

6. Finally, on 4 October 2012, the Prosecution re-disclosed, as incriminatory material, the interview transcripts of witness DAR-OTP-P-0307¹⁰ (together with a related annex and the translation thereof) with the redactions relating to the name and identifying information of the witness and to the name and signature of a former OTP investigator lifted. This re-disclosure was pursuant to “*Decision on the prosecution’s applications for lifting redactions on material relating to Witnesses 307 and 484 pursuant to Regulation 42 of the Regulations of the Court*” rendered on 12 September 2012.¹¹



Fatou Bensouda

Prosecutor

Dated this 19th day of November 2012

At The Hague, The Netherlands

⁷ ICC-02/05-03/09-393.

⁸ ICC-02/05-3/09-392.

⁹ INCRIM package 35.

¹⁰ INCRIM package 36.

¹¹ ICC-02/05-03/09-393, para 3.