

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 29 January 2014

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

**Public Document
with Confidential Annex A and
Confidential *Ex Parte* only available to Prosecution Annex B**

**Prosecution's Notification of Disclosure to the Defence of Rule 77 Material
on 10 December 2013**

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
Mr. James Stewart, Deputy Prosecutor
Mr. Julian Nicholls, Senior Trial Lawyer

Counsel for the Defence

Mr. Karim A.A. Khan QC

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

Mr. Herman von Hebel

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 (“Chamber”) that on 10 December 2013, it disclosed the following information which may be “material to the preparation of the Defence” to the Defence team of Mr. Abdallah Banda Abakaer Nourain (“Defence”) pursuant to Rule 77: the witness statements of DAR-OTP-P-0449, photographs provided by the same witness, the witness statement of DAR-OTP-P-0450 and the screening note of P-0419.¹ The majority of this material was collected after 2 May 2013 and disclosed to the Defence as soon as practicable, in redacted form.

2. A chart outlining the information redacted for each category authorised by the Chamber in the *“Decision on the Prosecution’s Application for Redactions; the Common Legal Representative Request for Disclosure; the Defence Request for Reclassification; and Decision establishing simplified proceedings related to future applications for non-disclosure”* (“Decision”)² is appended to this filing as Annex B.³ The Prosecution will apply separately for authorisation of redactions to information that does not fall within the three categories identified by the Decision.

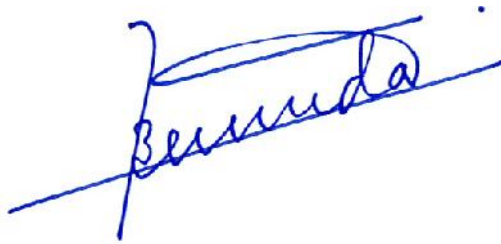
¹All items disclosed in this package are provided in the Disclosure Note. The Prosecution attaches the Rule 77 Package 16 Disclosure Note to this filing as Annex A.

² ICC-02/05-03/09-524.

³ A chart outlining all redactions applied to the evidence was provided to the Defence.

Request for Confidentiality

3. Annex A appended to this communication contains the “Disclosure Note” provided to the Defence. The Prosecution requests that this annex be received as “Confidential” since it relates to *inter partes* disclosure. Annex B contains information redacted under each category authorised by the Chamber in the Decision. The Prosecution requests that this Annex be received as “Confidential *Ex Parte* – only available to Prosecution” since it contains information that is redacted in the evidence disclosed to the Defence.



Fatou Bensouda

Prosecutor

Dated this 29th day of January 2014

At The Hague, The Netherlands