

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **28 March 2014**

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

Confidential, *EX PARTE*, available to the Prosecution and Registry only

**Prosecution observations on the Registry's submission on trial preparation
(ICC-02/05-03/09-543-Conf-Exp-Red2)**

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

Legal Representatives of the Victims

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

Mr. Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Prosecution is unable to provide detailed observations on the Registry's 10 March 2014 submission on trial preparation because the version to which the Prosecution has access is redacted such that the "difficulties" to which the Registry alludes are not immediately clear.¹ The Prosecution therefore limits its observations to the following.²
2. *First*, the Prosecution confirms that one of its witnesses – P-0416 – wishes to testify in Mandinka.³ The Prosecution is willing to call this witness later in its case if the Registry requires time to secure the necessary interpreters.
3. *Second*, the Registry submission appears to suggest a possibility that practical difficulties in facilitating the Accused's appearance may prevent the trial from starting on 5 May.⁴ The suggested difficulties are redacted, so the Prosecution is unable to comment on them in detail. However, the Prosecution requests to be informed without delay if it appears that the trial may be postponed due to difficulties in facilitating the Accused's attendance. With the trial date now five weeks away, it is important for the parties to have as much visibility as possible on scheduling matters. This is particularly important in relation to witnesses, many of whom need to travel to the Court from distant locations and will be inconvenienced by last minute scheduling changes. If the start of the trial is likely to be delayed due to difficulties in securing the Accused's attendance, the Prosecution requests to be informed as soon as possible, so that the appropriate contingencies can be put in place, and any inconvenience to witnesses minimised.

¹ ICC-02/05-03/09-543-Conf-Exp-Red2, para.36.

² This document is filed confidential, *ex parte* as a response to a document so designated. See Regulation 23bis(2). The Prosecution does not have any objection to this document being reclassified as public, should the Chamber wish to do so.

³ ICC-02/05-03/09-543-Conf-Exp-Red2, para.35.

⁴ ICC-02/05-03/09-543-Conf-Exp-Red2, para.36.

4. If the start of the trial is to be delayed due to difficulties in facilitating the Accused's appearance, the Chamber may wish to seek submissions from the parties on a new trial date.



Fatou Bensouda
Prosecutor

Dated this 28th day of March 2014

At The Hague, The Netherlands