

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 May 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**

**Prosecution Notification of Disclosures to the Defence on 2 April, 7 April,
11 April, 9 May and 16 May 2014**

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

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Court Interpretation and Translation
Section**

1. The Prosecution hereby notifies the Chamber of the following disclosures to the Defence team of Mr. Abdallah Banda Abakaer Nourain (“Defence”).
2. On 2 April 2014, the Prosecution disclosed two items that fall under Rule 76: witness DAR-OTP-P-0446’s 23-25 March 2014 re-interview statement and its annex.¹
3. On 7 April 2014, the Prosecution disclosed 22 items of newly collected material.²
4. On 11 April 2014, the Prosecution disclosed 61 items of incriminatory material³ and four items falling under Rule 77.⁴ The disclosed material contains: (i) statements and witness-related material of witnesses DAR-OTP-P-0455, DAR-OTP-P-0511 and DAR-OTP-P-0460; (ii) the 4-6 April 2014 re-interview statement and related material of witness DAR-OTP-P-0446; (iii) three translations of previously disclosed items related to witnesses DAR-OTP-P-0419 and DAR-OTP-P-0420; and (iv) the audio recording of the Zaghawa translation of the re-interview statement of witness DAR-OTP-P-0419.
5. On 9 May 2014, the Prosecution disclosed 14 items of incriminatory material⁵ and 91 items falling under Rule 77.⁶ The disclosed material contains: (i) additional material provided by witness DAR-OTP-P-0446 during his 23-25 March 2014 re-interview;

¹ Trial INCRIM package 53.

² Trial INCRIM package 54 (4 items) and Trial Rule 77 package 19 (18 items).

³ Trial INCRIM packages 55 and 56.

⁴ Trial Rule 77 package 20.

⁵ Trial INCRIM package 57.

⁶ Trial Rule 77 package 21.

(ii) a screening note and victim application related to two trial witnesses; and (iii) open source materials. On the same day, the Prosecution disclosed Zaghawa translations of: (i) witness DAR-OTP-P-0446's 23-25 March 2014 re-interview statement, and (ii) material provided by witness DAR-OTP-P-0355 during his 16 September 2013 re-interview, which the Defence had previously identified for translation.

6. On 16 May 2014, pursuant to a request from the Defence, the Prosecution disclosed 29 items related to the proceedings against Mr. Abu Garda.⁷
7. In the disclosed material, the Prosecution applied certain redactions in accordance with the simplified redaction regime established in paragraphs 36-42 of the Chamber's decision of 19 November 2013.⁸ The Prosecution communicated to the Defence the reasons justifying each redaction through the Disclosure Notes, which are contained in Annex A to this communication. The Prosecution will apply separately for authorisation of redactions to the information that does not fall within the three categories identified in paragraph 36 of the 19 November 2013 decision.

Request for Confidentiality

8. Annex A appended to this communication contains the "Disclosure Notes" provided to the Defence. Pursuant to Regulation 23*bis*(1), the Prosecution requests

⁷ Trial Rule 77 package 22. The Prosecution advised the Defence, pursuant to Regulation 42(2) of the Regulations of the Court, of the protective measures that apply in respect of the material.

⁸ ICC-02/05-03/09-524.

that the annex be received as “Confidential” because it references disclosed materials that are designated as such.



Fatou Bensouda

Prosecutor

Dated this 20th day of May 2014

At The Hague, The Netherlands