

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 27 August 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 6 June, 25 June, 7 July, 11 July, 25 July, 7 August and 19 August 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

Mr David Hooper, 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 6 June 2014 the Prosecution disclosed four audio recordings, detailed descriptions of which are included in Annex A.¹
3. On 25 June 2014 the Prosecution disclosed six items, detailed descriptions of which are included in Annex A.²
4. On 7 July 2014 the Prosecution disclosed 36 items, detailed descriptions of which are included in Annex A.³
5. On 11 July 2014 the Prosecution disclosed eight items and re-disclosed 18 items of previously-disclosed material,⁴ detailed descriptions of which are included in Annex A.⁵
6. On 25 July 2014 the Prosecution disclosed 78 items, detailed descriptions of which are included in Annex A.⁶

¹ Trial INCRIM package 59.

² Trial INCRIM package 60.

³ Trial INCRIM package 61.

⁴ The Prosecution re-disclosed the material having lifted redactions that were no longer needed. This disclosure was consistent with the Prosecution’s undertaking in its 25 June 2014 Consolidated Redaction Application – see ICC-02/05-03/09-588-Red, footnote 20.

⁵ Trial INCRIM packages 62 and 63, PEXO package 12, and Rule 77 package 23.

⁶ Trial INCRIM package 64, PEXO package 13 and Rule 77 package 24.

7. On 7 August 2014 the Prosecution disclosed 22 items, detailed descriptions of which are included in Annex A.⁷
8. Lastly, on 19 August 2014 the Prosecution disclosed nine items, detailed descriptions of which are included in Annex A.⁸ On the same day, the Prosecution re-issued two metadata fields "Chain of Custody" and "Source Identity" for 17 previously disclosed items, lifting the redactions which are no longer needed.⁹
9. In the disclosed material, the Prosecution applied or maintained certain redactions in accordance with the simplified redaction regime established in paragraphs 36-42 of the Chamber's decision of 19 November 2013.¹⁰ The Prosecution communicated to the Defence the reasons justifying redactions for 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

10. 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 INCRIM package 65, PEXO package 14 and Rule 77 package 25.

⁸ Trial INCRIM package 66.

⁹ See Annex A, Metadata Re-issue Note.

¹⁰ 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 27th day of August 2014

At The Hague, The Netherlands