

ICC-02/05-01/20

**PUBLIC REDACTED VERSION OF ANNEX A TO URGENT
MOTION FOR REQUEST FOR COOPERATION TO
IRELAND CONCERNING D-0026's APPEARANCE AS A
DEFENCE WITNESS**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

via

Embassy of Ireland
Scheveningsweg 112
2584 AE The Hague
The Netherlands

27 February 2024

Dear Sirs,

Re. Request for Assistance

Colonel (Patrick) Bernard Markey (Retired), [REDACTED]

As Lead Counsel for the Defence of Mr Ali Muhammad Ali Abd-Al-Rahman in the case *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (ICC-02/05-01/20) before the International Criminal Court ("ICC"), I present my compliments to the Government of Ireland. I have the honour to request, via the good offices of the ICC Registry, Ireland's cooperation and assistance for the purpose of authorising and facilitating the appearance of Colonel (Patrick) Bernard Markey (Retired), formerly of the Irish Defence Forces, before the ICC as a defence witness.

Colonel Markey retired from the Irish Defence Forces on 3 May 2023. His army number [REDACTED] Of most relevance to the instant matter, Colonel Markey deployed to Darfur, Sudan, in the capacity of a European Union military observer to the African Union's mission in Sudan in July 2004. His deployment ended in July 2005.

Colonel Markey provided a statement to the Office of the Prosecutor of the ICC in July and August 2006 but was not called as a Prosecution witness in the *Abd-Al-Rahman* case. Subsequently, he was contacted by my team in order to establish whether he might be willing to provide evidence for the Defence. He has since provided a further written statement and has indicated his willingness to testify for the Defence. Colonel Markey has always made it clear that he makes no distinction between the Prosecution

and the Defence, and that he fully supports the work and mission of the ICC. He has always insisted that his only interest is reporting what he saw and heard in Darfur.

Colonel Markey's statements provide no details of Irish military operational matters, or of any matters that might be considered sensitive. Copies of his statements can be provided if required.

I respectfully seek the cooperation and assistance in authorising and facilitating Colonel Markey's appearance before the ICC as a witness. This will require him to be granted a leave of absence for a few days, possibly in early April 2024. I will be in a better position to provide more precise dates in the next week or so. Since retiring, he has taken up employment [REDACTED]

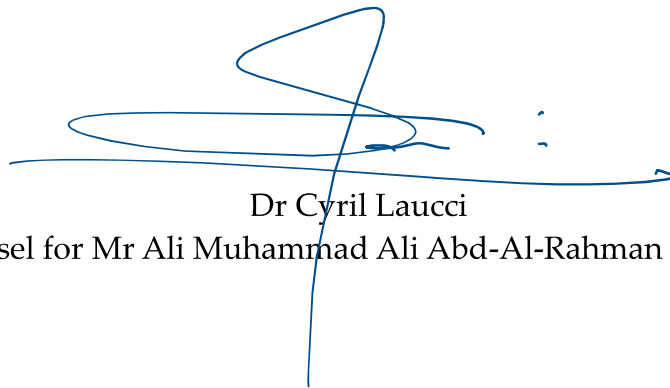
[REDACTED]

[REDACTED]

[REDACTED]

I avail myself of this opportunity to reiterate to the Government of Ireland the assurances of my highest consideration.

Done in The Hague, The Netherlands,
On 27 February 2024



Dr Cyril Laucci
Lead Counsel for Mr Ali Muhammad Ali Abd-Al-Rahman before the ICC