

ANNEXURE C

Karim Khan
Defence Team of Abdallah Banda & Saleh
Jerbo
Haagse Veste, Room 5162
P.O. Box 19519
2500 CM, The Hague
The Netherlands

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POSTBUS 19519
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Laan Copes van Cattenburch 81
2505 EN DEN HAAG



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Ambassador Extraordinary and
Plenipotentiary
Embassy of the Republic of the Sudan to
the Kingdom of the Netherlands
Laan Copes van Cattenburch 81
Den Haag, 2585 EW
The Netherlands



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H.E. Honourable Sirajuddin Hamid Yousif
Ambassador Extraordinary and Plenipotentiary
Embassy of the Republic of the Sudan to the Kingdom of the Netherlands
Laan Copes van Cattenburch 81
Den Haag, 2585 EW
The Netherlands

Ref.: D-AB/2010/10, D-SJ/2010/9

Date: 24 September 2010

**Re: The Prosecutor v. Abdallah Banda Abakaer Nourain & Saleh Mohammed
Jerbo Jamus (No: ICC-02/05-03/09): Request for permission to conduct Defence
investigations in the Republic of the Sudan**

Your Excellency,

I write to you in my capacity as Defence counsel acting before the International Criminal Court ("ICC") on behalf of two Sudanese citizens, Abdallah Banda Abakaer Nourain ("Banda") and Saleh Mohammed Jerbo Jamus ("Jerbo"). Messrs Banda and Jerbo have been charged by the Prosecutor of the ICC with three war crimes in connection with an attack on the African Union Mission in Sudan (AMIS) Military Group Site (MGS) that was located close to Haskanita village in Northern Darfur State, on 29 September 2007.

Messrs Banda and Jerbo voluntarily appeared before Pre-Trial Chamber I of the ICC on 17 June 2010, at which time the Pre-Trial Chamber set a date of 22 November 2010 for a hearing on the confirmation of charges for my clients. After considering arguments and viewing evidence presented by both the ICC Prosecutor and the Defence at this confirmation hearing, the Pre-Trial Chamber will decide whether sufficient evidence has been presented by the Prosecutor to order that Messrs Banda and Jerbo stand trial for the war crimes charges alleged.

In order to properly defend my clients before the ICC, it is essential for me and members of my team to be able to conduct investigations in Sudan relevant to this case, as well as identify and speak to potential witnesses in Khartoum and especially Darfur, where the crimes are alleged to have been committed. I therefore request that my team members

and I be granted permission to enter Sudan for the purposes of conducting investigations and speaking to witnesses in Khartoum and the locations in Darfur listed below:

Jebel Adola (Southern Darfur state), and the following locations in Northern Darfur state – Gargar (*Kutum locality, Korní, Um Baru & Tina rural council*), Debri (*Kutum locality, Korní, Um Baru & Tina rural council*), Togai (*Kutum locality, Korní, Um Baru & Tina rural council*), Abu Leha (*Kutum locality, Korní, Um Baru & Tina rural council*), Kutum (*Kutum locality, Kutum Rural & Fata Borno rural council*), Kafod (*Al Fasher locality, Tawila & Korma rural council*), Sarafaya (*Al Fasher locality, Al Fasher & Kuma rural council*), Al Fasher (*Al Fasher locality, Al Fasher & Kuma rural council*), Dar es Salam (*Al Fasher locality, Dar es Salam rural council*), Wada'ah (*Al Fasher locality, Dar es Salam rural council*), Umm Katkoot (*Um Kadada locality, Al Tawisha rural council*), Haskanita (*Um Kadada locality, Al Lait rural council*), Dalil Babiker (*Um Kadada locality, Al Lait rural council*), Sigeir Umm (*Um Kadada locality, Al Tawisha rural council*), and Usban (*Um Kadada locality, Al Tawisha rural council*).

I also request that the Government of Sudan advise us as to the process to be followed for obtaining the necessary documentation and authorisation for entering Sudan for the above stated purposes, and whether or not we should undertake the business visa application procedure through the consular section of the Sudanese Embassy.

I and the four members of my Defence team are at the disposal of Your Excellency and members of your staff to discuss this matter further and to provide the additional information the Government of Sudan may require with regard to this request.

Given the fast approaching date of the confirmation hearing, I ask that this request be given urgent consideration by the Government of Sudan, and would be most appreciative to receive a response to this letter as soon as is feasible via email (karimahmadkhan@hotmail.com) or at the following mailing address:

Karim Khan
Defence Team of Abdallah Banda & Saleh Jerbo
Haagse Veste, Room 5162
P.O. Box 19519
2500 CM, The Hague
The Netherlands

Please also feel free to contact me and members of my team, at your convenience, at the following telephone numbers: +31 (0)6-5554-2251, +44 79-6802-9947, +31 (0)7-0515-9464.

Assuring you of my highest consideration,

Kindest Regards,

A handwritten signature in black ink, consisting of a stylized 'K' followed by a horizontal line.

Karim A. A. Khan