

ANNEXURE E



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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/2011/9, D-SJ/2011/9

Date: 20 April 2011

**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. On 8 March 2011, the Pre-Trial Chamber issued a decision confirming the charges against Messrs Banda and Jerbo for trial before Trial Chamber IV of the Court. I expect the Trial Chamber to issue a decision in the coming weeks setting a trial date for my clients for later this year.

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, including identifying and speaking to potential witnesses. 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 the following locations:

- Haskanita and the surrounding localities;

- Other villages and towns in Darfur: Al Fasher, Braddiq, Zam Zam, Tawilla, Shangil Tobaya, Um Kadada, Nyala, Graid, Khor Abeche, Kas, El Geneina, Mourni, Masteri, Forobaranga, Kabkabiya, Saraf-Umra, Sortony, Tine, Kulbus, Umbaru, Kutum, Mellit, Malha, Zalinje, Nertiti, Mukhjar, El Daein, Muhajeria, Labado, Shaeria, Bir Maza, Kulkul;
- Juba;
- Khartoum; and
- Jad Elseed, Abu Karinka, Al Mazioub and any other Camps for Internally Displaced Persons in Sudan.

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 that the charges against my clients have now been confirmed for trial, 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 (kkhan@iccpn.org) or at the following mailing address:

Karim A. A. Khan, QC
 Defence Teams 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 number: +31 (0)7-0515-9464.

Assuring you of my highest consideration,

Kind Regards,



Karim A. A. Khan, QC