

Annexure E



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Lt. General Babacar Gaye, Military Adviser
Office of Military Affairs
Department of Peacekeeping Operations
United Nations Headquarters
First Avenue at 46th Street
New York, NY 10017
USA

Ref.: D-AB/2010/19, D-SJ/2010/19

Date: 4 January 2011

**Reference: The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh
Mohammed Jerbo Jamus (No: ICC-02/05-03/09): Follow-up to 7 October 2010
request for access to documents related to the AU-UN Board of Inquiry Report on
the 29 September 2007 attack on MGS Haskanita**

Dear Lt. General Gaye,

I write to follow-up on my earlier letter to you dated 7 October 2010 (reference number: D-AB/2010/14, D-SJ/2010/13) (attached hereto as “Annex I”) concerning a request for documents and information that I believe are in the possession of the UNDPK, and to which I have not yet received a response. As noted in my communication of 7 October, the documents and information in question are relevant to the case of my clients, Messrs Abdallah Banda Abakaer Nourain (“Banda”) and Saleh Mohammed Jerbo Jamus (“Jerbo”), before the International Criminal Court (ICC).

On 8 December 2010, the Confirmation of Charges Hearing for Messrs Banda and Jerbo took place before Pre-Trial Chamber I of the ICC. By the first week of March 2011, the Pre-Trial Chamber shall issue a decision on whether to send my clients’ case to trial on the three war crimes charges alleged by the ICC Prosecutor in connection with the 29 September 2007 attack on the African Union Mission in Sudan’s (AMIS) Haskanita Military Group Site (MGS) located in Darfur, Sudan.

I am of course focusing my attention and resources on the preparation of my clients’ case for trial in the event the Pre-Trial Chamber confirms the charges preferred against them.

Accordingly, accessing and reviewing the materials listed in my letter of 7 October 2010 remains a critical and urgent component of my defence investigation.

As mentioned in my letter of 7 October 2010, I am cognizant of the sensitivity of my request, and would be grateful if your office could contact me by phone (+ 31 70 515 9464; +31 6555 42251; or +44 796 802 9955), email (karimahmadkhan@hotmail.com) or at the below address at your earliest convenience, to discuss this matter further:

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P.O. Box 19519
2500 CM, The Hague
The Netherlands

Assuring you of my continued highest consideration,

Kind Regards,

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

Karim A. A. Khan
Defence Counsel for Abdallah Banda & Saleh Jerbo