

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 27 October 2026

TRIAL CHAMBER IV

Before: Judge Kimberly Prost, Presiding Judge
Judge Keebong Paek
Judge Nicolas Guillou

SITUATION IN DARFUR, SUDAN

***IN THE CASE OF THE PROSECUTOR
v. ABDALLAH BANDA ABAKAER NOURAIN***

Public

**Public redacted version of "Prosecution's Application for Redactions
Pursuant to Rule 81(4) of the Rules of Procedure and Evidence", ICC-02/05-03/09-
206-Conf-Exp, dated 2 September 2011**

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

☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

☐ The Office of Public Counsel for the Defence

☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and
Reparations Section

☐ Other

Introduction

The Office of the Prosecutor (“OTP” or “Prosecution”) respectfully submits its application (“the Application”) for redactions to four Documents, namely death certificates of deceased AMIS personnel, pursuant to 81(4) of the Rules of Procedure and Evidence (“Rules”).

I. Background

1. On 19 July 2011, the Defence sent a request to the Prosecution for disclosure of certain items of material and/or information which it consider may be required for the preparation of the defence, or may be exculpatory. Specifically, in Annex B to its request¹ (attached to this filing as Annex “A”), the Defence listed certain items that it considers fall into this category.

2. Having reviewed the documents in its possession, the Prosecution has identified four documents that fall under item 14 of Annex B to the Defence request, i.e. “*death certificates issued by AMIS doctors for AMIS personnel killed at MGS Haskanita as a result of the 29 September 2007 attack*”. The Prosecution intends to disclose these four death certificates to the Defence, but by this Application the Prosecution first seeks redactions to certain information contained therein.

3. Because the Defence has highlighted the importance to its ongoing investigations of the items listed in its Annex B, the Prosecution is immediately disclosing these death certificates to the Defence in their redacted form. Should the Chamber reject any of the redactions requested in this Application, a revised version of the materials, reflecting the Chamber’s decision, will be disclosed to the Defence.

¹ Annex B, to Letter from Defence Ref.: D-AB/2011/18; D-SJ/2011/19 dated 19th of July 2011.

II. Prosecution's Request for Redactions Pursuant 81(4)

(A) Prosecution's Request

4. The Prosecution's request relates to four documents (death certificates, three collected independently by the OTP and one annexed to the statement of witness DAR-OTP-WWWW-0418.)

i. Scope of Redactions Sought, and the Legal and Factual Basis.

5. The scope of the redactions sought relates, *inter alia*, to:

i. Information specifically relating to personal security, dignity and privacy of persons who may be at risk on account of the activities of the Court, pursuant to Articles 54(3)(f) and 68(1) of the Statute and Rule 81(4) of the Rules. In this category, the Prosecution seeks redactions to the following information:

(a) names of other persons who might be put at risk on account of the activities of the Court. The Prosecution thus seeks redaction of information relating to the name, position, title and signature of African Union medical personnel.

(B) Organization of the Materials being Submitted

6. The Prosecution herewith submits to the Trial Chamber the following documents for which redactions are being sought, together with accompanying charts setting out both the specific information sought to be redacted and the justification for the redactions sought:

(i) **Annex "B"** to this filing consists of the death certificate of Ibrahima DIAGNE, which was appended as an annex to the statement of witness DAR-OTP-WWWW-0418 (DAR-OTP-0165-0480), and the relevant justification chart.

7. The Prosecution interviewed witness DAR-OTP-WWWW-0418 [REDACTED]. Subsequently, she informed the Prosecution that she no longer wants to be a witness, her statement to be used by the Prosecution, or her identity disclosed to the Defence.

8. However, because the death certificate that the witness provided falls into the category of information that the Defence requested in item 14 of Annex B to its request, the OTP contacted the witness again on 19 August 2011 to confirm whether she would consent to the annex to her statement alone (the death certificate) being disclosed to the Defence. She did not provide an immediate response, but requested that the Prosecution contact her Legal Representative, [REDACTED], (this witness is also Victim a/0192/09 who is represented by [REDACTED]), and to relay this request through him so that he can explain to her further and advise her. On 23 August 2011, the Prosecution sent an email to [REDACTED] accordingly and on 24 August 2011, [REDACTED] being disclosed to the Defence.

- (ii) **Annex "C"** to this filing comprises: (a) The justification chart and the death certificate of Samuel OROKPO (misspelt "OSUOPO" in the Death Certificate) (DAR-OTP-0169-1239); (b) The justification chart and the death certificate of BALA Mohammed (DAR-OTP-0169-1240); and (c) The justification chart and the death certificate of Usman SALEH (DAR-OTP-0169-1241).

9. To further assist the Trial Chamber in its review of the proposed redactions, the Chart attached to each document contains: (i) each proposed redaction – referred to by page number; and (ii) the corresponding rule justifying the redaction proposed.

10. The Prosecution has also colour-coded each proposed redaction using the colour red to represent proposed redactions pursuant to Rule 81(4) of the Rules, and Articles

54(3)(f) and 68(1) of the Statute, to protect the safety of witnesses and victims, members of their families and of other persons at risk on account of activities of the Court.

(C) Necessity for Redactions and Impact on Rights of the Accused

11. The Prosecution submits that these redactions are necessary to protect the safety and security and, where appropriate, the privacy of the persons in respect of whom they are being sought. There are no less intrusive alternative measures that can be taken to avoid the risks mentioned in the confidential annexes appended to this Application. Additionally the Prosecution submits that at this stage of the proceedings and in light of the nature of most of the redactions sought, the requested redactions are not prejudicial to, or inconsistent with, the rights of the Accused Persons.

III. Request for Confidentiality

12. The Prosecution submits this request and its annexes “Confidential, *Ex Parte*, available to the Prosecution and the Victims and Witnesses Unit Only” because they relate to material that is currently classified as confidential and *ex parte* and depict information relating to persons who might be put at risk on account of the activities of the Court. A public redacted version of this Application or a public note will be filed as soon as practicable.

IV. Relief Sought

13. For the reasons set forth above, the Prosecution respectfully requests the Trial Chamber to authorise the redactions proposed to the four documents submitted with this Application, as well as the relevant meta-data, where applicable.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', with a large, stylized flourish on the left side.

Mame Mandiaye Niang, Acting Prosecutor

Dated this 27th day of October 2026

At The Hague, The Netherlands