

**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 Third Update on the Security Situation of Witness DAR-OTP-WWW-0307", ICC-02/05-03/09-334-Conf-Exp, dated 16 May 2012

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

1. As ordered by the Trial Chamber IV (“the Chamber”) in its Decision of 2 May 2012¹, the Office of the Prosecutor (“Prosecution” or “OTP”) having consulted the Victims and Witnesses Unit (“VWU”) provides herein an update on the security situation of witness DAR-OTP-WWWW-0307 (“W-0307”).

Submission

2. As indicated in the “Prosecution's and Victims and Witnesses' Unit Joint Update on the Security Situation of DAR-OTP-WWW-0307” (“Joint Update”), on 12 October 2011 the Prosecution submitted to the VWU a revised referral for protection advice for DAR-OTP-WWWW-0307. This referral reflected the witness’s persisting subjective concerns in relation to the prospect of disclosing his identity to the Defence and the Accused persons in the current proceedings and requested that he be re-assessed for a potential assisted move [REDACTED]².

3. After the filing of the further Joint Update on 21 November 2011, the Prosecution and the VWU continued to hold several discussions, including with the witness himself, with a view to identifying the most appropriate additional protective measures and a satisfactory solution for all the parties involved.

4. [REDACTED]³ [REDACTED].

¹ ICC-02/05-03/09-329-Conf-Exp + Conf-Exp-Anxs A ~ D. The Prosecution notes that in paragraph 44 of the Decision, the Chamber also ordered “the prosecution to provide further detailed justifications as regards the specific objectively justifiable risks disclosure of their names to the defence may pose, no later **than 16 May 2012**” [*emphasis added*]. However, at paragraph 47 sub-paragraph (d) of the Decision, the Chamber ordered the Prosecution to provide such update “by 4 June 2012”. The Prosecution understands the date of 16 May 2012 to apply only to the update on Witness 307, and will provide the update relating to “third parties” by 4 June 2012.

² [REDACTED].

³ [REDACTED].

5. [REDACTED].

6. [REDACTED].

7. [REDACTED]⁴. [REDACTED].

8. [REDACTED]⁵, [REDACTED].

9. Therefore the Prosecution and the Registry continue to cooperate to settle the matter in the shortest time possible and will inform the Chamber immediately if there is any further update on the circumstances relating to this witness. The Prosecution notes that there is currently no set date for the commencement of the trial and therefore no urgency requiring immediate disclosure to the Defence. Accordingly, the Prosecution submits that in the present circumstances the witness' identity should remain undisclosed.

Justification for Filing Confidential-Ex Parte

The Prosecution submits that the classification of this filing as *Confidential-Ex Parte - Prosecution and VWU Only* is necessary. The filing provides information about a Prosecution trial witness whose identity and location have not yet been disclosed to

⁴ [REDACTED].

⁵ [REDACTED].

the Defence, and addresses specific security-related matters of a confidential nature.

A handwritten signature in black ink, appearing to read 'Mame Mandiaye Niang', written in a cursive style.

Mame Mandiaye Niang, Acting Prosecutor

Dated this 27th day of October 2026

At The Hague, The Netherlands