

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-02/05-03/09
Date: 29 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 “Confidential Redacted Version of “Prosecution’s Provision of Security Related Information Regarding Third Parties in Photographs Annexed to Witness DAR OTP P 0315’s Statement and Application for Variation of Protective Measures Pursuant to Regulation 42 of the Regulations of the Court”, filed on 5 July 2012”, ICC-02/05-03/09-365-Conf-Red, dated 24 September 2012

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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☒ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

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I. Introduction

As ordered by the Trial Chamber IV ("Chamber") in its "*Decision on the Prosecution's Application for Redactions and Request for the Lifting of Redactions to Photographs Annexed to Witness 315's Statements*" of 21 June 2012 ("Decision of 21 June 2012"), the Office of the Prosecutor ("OTP" or "Prosecution") herein provides further information on the security risks faced by the third parties who appear in the photographs provided by Witness DAR-OTP-P-

0315 (“P-0315”), and whose identities the Prosecution sought to withhold from the Defence in the “*Prosecution’s Application for Redactions Pursuant to Rule 81(4) of the Rules of Procedure and Evidence and Request for the Lifting of Certain Redactions Authorised Pursuant to Rule 81(4)*” submitted on 21 December 2011 (“Redaction Application of 21 December 2011”).

II. Background

1. Witness P-0315 was interviewed by OTP [REDACTED]. He provided a total of 455 photographs. The Prosecution relied on and disclosed 96 of these photographs to the Defence at the pre-trial stage of this case. A further 247 photographs were disclosed to the Defence on 15 and 27 September 2011 in unredacted form. On 21 October 2011 the OTP disclosed the remaining 85 photographs with certain redactions in place, temporarily, consistent with earlier redaction decisions of the Pre-Trial Chamber. On 21 December 2011 the Prosecution proceeded to request redactions to these 85 photographs.¹
2. On 21 June 2012, the Chamber [REDACTED], but ordered the Prosecution to provide further information regarding the individual security risks faced by these individuals no later than 5 July 2012. The Prosecution hereby provides the Chamber with an update on the individual security risks faced for only some of the categories of the third parties whose images appear in these remaining 85 photographs provided by P-0315.
3. For the other categories, the Prosecution recalls its filing of 4 June 2012 filing in which it noted that the circumstances that led it to request redactions previously have now changed and proceedings in the present case have now advanced further, warranting the Prosecution to re-assess whether there is a need to maintain redactions previously ordered or authorised under different circumstances.² For these categories, the Prosecution requests that the redactions previously ordered or authorised now be lifted, pursuant to Regulation 42 of the Regulations of the Court.

III. Prosecution’s Submissions on Individual Security Risks Faced by Third Parties

Photographs depicting [REDACTED]

¹ ICC-02/05-03/09-269-Red.

² See ICC-02/05-03/09-341-Red, para. 4.

4. These photographs all relate [REDACTED]. The sub-categories are:

- (i) Photographs depicting [REDACTED];³
- (ii) Photographs depicting [REDACTED],⁴ [REDACTED]⁵ and [REDACTED]⁶ [REDACTED];⁷
- (iii) Photographs depicting [REDACTED];⁸
- (iv) Photographs depicting [REDACTED];⁹
- (v) Photographs depicting [REDACTED].¹⁰

5. [REDACTED],¹¹ [REDACTED],¹² [REDACTED]. [REDACTED].

6. [REDACTED] Therefore the Prosecution now believes that, at this stage of the proceedings – [REDACTED] should mitigate the risk [REDACTED].¹³

7. However, that is not the end of the inquiry. The Prosecution continues to assert that unredacted photographs that [REDACTED], cannot presently be disclosed. The Chamber will recall that [REDACTED] not disclosed to the Defence [REDACTED].¹⁴ The Prosecution is unable to mitigate the risk that the disclosure may pose to the [REDACTED] and actually appear in [REDACTED].

8. [REDACTED].¹⁵ [REDACTED].¹⁶

³ [REDACTED].

⁴ [REDACTED].

⁵ [REDACTED].

⁶ [REDACTED].

⁷ [REDACTED].

⁸ [REDACTED].

⁹ [REDACTED].

¹⁰ [REDACTED].

¹¹ [REDACTED].

¹² [REDACTED].

¹³ [REDACTED].

¹⁴ [REDACTED].

¹⁵ [REDACTED].

¹⁶ [REDACTED].

9.[REDACTED].¹⁷ [REDACTED].¹⁸ [REDACTED]. For this reason, the Prosecution requests that the redactions to this category of photographs remain in force [REDACTED].¹⁹

[REDACTED]

10. [REDACTED].²⁰ Accordingly, the Pre-Trial Chamber I (PTC I) in *Abu Garda* granted redactions of the references to [REDACTED].²¹ [REDACTED].²² The Prosecution requests that redactions to the images and identifying information of [REDACTED] not be lifted [REDACTED].

11. As regards [REDACTED], in the First Decision on the Prosecutor's Requests for Redactions rendered on 29 July 2010, PTC I authorized redaction of [REDACTED].²³ [REDACTED].²⁴ [REDACTED]. The Prosecution continues to believe that which it stated in the Redaction Application of 21 December 2011, that disclosure of identifying information relating to [REDACTED]. Therefore the Prosecution requests that redactions to the images and identifying information of [REDACTED] also not be lifted at this time.

IV. Categories of Redactions that May be Lifted Pursuant to Regulation 42 of the Regulations of the Court

[REDACTED]

12. In line with the redactions authorised by PTC I [REDACTED] in *Abu Garda*,²⁵ the Prosecution redacted the images of individuals [REDACTED]: (i) those who appear in

¹⁷ [REDACTED].

¹⁸ [REDACTED].

¹⁹ [REDACTED].

²⁰ [REDACTED].

²¹ [REDACTED].

²² [REDACTED].

²³ [REDACTED].

²⁴ [REDACTED].

²⁵ [REDACTED]. See also *First Decision on the Prosecutor's Requests for Redactions* of 29 July 2010, in which the Single Judge granted "authorisation to redact names and identifying information relating to innocent third parties who, without being witnesses or otherwise related to the Case, might be wrongly perceived as cooperating with the Prosecutor and/or the Court." (ICC-02/05-03/09-58 at paragraph 8).

the photographs [REDACTED]²⁶ [REDACTED];²⁷ and (ii) those who appear in the photographs [REDACTED]²⁸ [REDACTED]²⁹ -- [REDACTED].

13. [REDACTED] Nonetheless, PTC I ordered redaction of these images on the grounds that [REDACTED].³⁰ [REDACTED] the Prosecution has no information suggesting that [REDACTED], it is presumed that [REDACTED], and therefore may be at risk.

14. As with other requests to lift redactions, the Prosecution believes that at this stage of the proceedings the risk [REDACTED] has diminished. Thus, while the Prosecution continues to believe that the images of these persons would not be material to the preparation of the defence, particularly in light of the narrowed issues before the Court, it does not affirmatively urge that the redactions must be preserved. To mitigate any potential risk [REDACTED], if the Chamber determines that the identities of these individuals should be disclosed, the Prosecution [REDACTED]. The Prosecution notes that in its “*Decision on the Prosecution's Application for Redactions to Witness 484's Statement and Related Material*” the Chamber has now ordered that [REDACTED] be unredacted and disclosed to the Defence.³¹

[REDACTED]

15. In line with the redactions authorised by PTC I [REDACTED],³² redactions have been applied to photographs of (i) [REDACTED];³³ and (ii) [REDACTED].³⁴

16. [REDACTED].³⁵ [REDACTED].³⁶ [REDACTED].

17. [REDACTED]. Therefore, if the Chamber concludes that the identity of these individual may be disclosed, the Prosecution envisages mitigating any potential risk associated with such disclosure [REDACTED].

²⁶ [REDACTED].

²⁷ [REDACTED].

²⁸ [REDACTED].

²⁹ [REDACTED].

³⁰ [REDACTED].

³¹ [REDACTED].

³² [REDACTED].

³³ [REDACTED].

³⁴ [REDACTED].

³⁵ [REDACTED].

³⁶ [REDACTED].

IV. Request for Receipt of the Filing as Confidential – *Ex Parte*

18. The Prosecution submits that the classification of this filing as *Confidential - Ex Parte - Prosecution and VWU Only* is necessary. The filing contains the discussion of the contents of witness material, [REDACTED], that is currently classified as confidential and *ex parte*, subject to protective measures [REDACTED] in force. The filing also addresses specific security-related matters of a confidential nature. The Prosecution will file a public redacted version of the present application.

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

Mame Mandiaye Niang, Acting Prosecutor

Dated this 29th day of October 2026

At The Hague, The Netherlands