

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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 Witness DAR-OTP-P-0442's Re interview Transcripts and Application for Variation of Protective Measures Pursuant to Regulation 42 of the Regulations of the Court", filed on 5 July 2012", ICC-02/05-03/09-364-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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☒ 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

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## Introduction

1. As ordered by the Trial Chamber IV (“Chamber”) in its “Decision on the Prosecution's Application for Redactions to Witness 442's Re-interview Transcripts” of 21 June 2012<sup>1</sup> (“21 June 2012 Decision”), the Office of the Prosecutor (“OTP”) herein provides further information on the security risks faced by the third parties mentioned in the Re-interview Transcripts of Witness DAR OTP P 0442, whose identities the Prosecution sought to redact from the Defence and the Accused persons in its “Prosecution’s Application for Redactions Pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence” of 29 December 2011 (“Redaction Application”).<sup>2</sup>

## I. Background

2. The Prosecution first interviewed Witness DAR-OTP-P-0442 (“P-0442”) [REDACTED] pursuant to Article 55(2) of the Rome Statute (“Statute”) and Rule 112 of the Rules of Procedure and Evidence (“Rules”)<sup>3</sup>, and re-interviewed him [REDACTED]<sup>4</sup> [REDACTED].

3. On 29 July 2010 Pre-Trial Chamber I (“PTC I”) in this case issued its “First Decision on the Prosecutor's Requests for Redactions”<sup>5</sup> (“First Redactions Decision”) whereby it ordered redactions to certain information contained in five Prosecution witness statements.<sup>6</sup> One of these statements was the transcript of P-0442’s first

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<sup>1</sup> See ICC-02/05-03/09-354-Conf with confidential *ex parte* prosecution and VWU only Annex A. The Chamber ordered the Prosecution “to provide further information regarding the individual security risks faced by the third parties mentioned in the re-interview transcripts of Witness 442, for whom the Chamber grants temporary redactions [emphasis added], as outlined in Annex A to this Decision, no later than 5 July 2012.” [REDACTED]. Accordingly, it is for these third parties alone that the Prosecution provides further security related information and seeks variation of protection measures.

<sup>2</sup> ICC-02/05-03/09-272-Conf-Exp, with Confidential *Ex Parte* Prosecution and VWU only Annexes “A” and “B”.

<sup>3</sup> [REDACTED].

<sup>4</sup> [REDACTED].

<sup>5</sup> The First Redactions Decision addressed statements of witnesses 0315, 0355, 0446, 0439 and transcript of interview of witness 0442. ICC-02/05-03/09-58, [REDACTED] para 8 [REDACTED].

<sup>6</sup> ICC-02/05-03/09-58, para 2.

interview. One category of information for which the Single Judge ordered redaction was the “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”<sup>7</sup> [emphasis added]. [REDACTED].<sup>8</sup>

4. [REDACTED], on 29 December 2011 the Prosecution requested redaction to all identifying information of certain individuals falling into the same categories in the transcripts of P 0442’s re-interview -- in particular to [REDACTED].<sup>9</sup>

## II. Information on the security risks faced by Third Parties

5. The Prosecution informs the Chamber that it currently has no further information on the security risks faced by the two individuals mentioned above. However, as submitted in its filing of 4 June 2012<sup>10</sup>, the Prosecution continues to review the circumstances underlying all redactions and notes that some circumstances, the existence of which justified redactions authorized by PTC I in both *Abu Garda*<sup>11</sup> and the instant case, have changed. Also, proceedings in this case have now advanced considerably. Both factors have led the Prosecution to re-assess the need to maintain redactions to the transcripts of P-0442’s first interview ([REDACTED]) and his re-interview ([REDACTED]).

6. [REDACTED].

7. [REDACTED].

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<sup>7</sup> ICC-02/05-03/09-58, para 8.

<sup>8</sup> [REDACTED].

<sup>9</sup> [REDACTED].

<sup>10</sup> ICC-02/05-03/09-341-Conf-Exp, para 4.

<sup>11</sup> “Second Decision on the Prosecutor’s request for Redactions” (“Second Decision”), [REDACTED], [REDACTED].

8. Consequently, the Prosecution now requests that the redactions listed below in the transcripts of both of P-0442's interviews be lifted, pursuant to Regulation 42 of the Regulations of the Court:

**A. Redactions in the Transcript of Witness P-0442's First Interview –  
[REDACTED]<sup>12</sup> -- previously ordered on [REDACTED] by the Pre-Trial Chamber**

- i.* [REDACTED]<sup>13</sup>
- ii.* [REDACTED]<sup>14</sup>
- iii.* [REDACTED]<sup>15</sup>
- iv.* [REDACTED]<sup>16</sup>

**B. Redactions in the Transcript of Witness P-0442's re-interview –  
[REDACTED]<sup>17</sup>**

- i.* [REDACTED]<sup>18</sup> The witness referred to this individual [REDACTED].<sup>19</sup>
- ii.* Reference to the name and place of origin of the person who was apparently present with Witness P-0442 [REDACTED]<sup>20</sup> [REDACTED]<sup>21</sup>

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<sup>12</sup> DAR-OTP-0172-0165 through 0614.

<sup>13</sup> [REDACTED].

<sup>14</sup> [REDACTED].

<sup>15</sup> [REDACTED].

<sup>16</sup> [REDACTED].

<sup>17</sup> DAR-OTP-0181-0309 through 0365, DAR-OTP-0181-0407; DAR-OTP-0181-0449 through 0469; DAR-OTP-0181-0489; DAR-OTP-0181-0509.

<sup>18</sup> [REDACTED].

<sup>19</sup> [REDACTED].

<sup>20</sup> [REDACTED].

<sup>21</sup> [REDACTED].

### III. Justification for Filing Confidential Ex Parte

9. The Prosecution submits that the classification of this filing as *Confidential Ex Parte Prosecution and VWU Only* is necessary because it addresses specific security related matters of a confidential nature, which have not yet been disclosed to the Defence.

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

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**Mame Mandiaye Niang, Acting Prosecutor**

Dated this 29<sup>th</sup> day of October 2026

At The Hague, The Netherlands