

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09

Date: 3 February 2012

TRIAL CHAMBER IV

Before:

**Judge Joyce Aluoch, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Silvia Fernández de Gurmendi**

SITUATION IN THE DARFUR, SUDAN

IN THE CASE OF *THE PROSECUTOR*

v.

ABDALLAH BANDA ABAKAER NOURAIN

&

SALEH MOHAMMED JERBO JAMUS

Public Document

**Public Redacted Version of
“Prosecution’s Further Update on its Consultations Concerning the Article 54(3)(e)
Documents”, filed on 17 January 2012**

Sources: 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

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Counsel for the Defence

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Ms. Hélène Cissé

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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

Ms. Silvana Arbia

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Pursuant to the Chamber's Decision No. 259 on 23 November 2011,¹ the Prosecution filed an update on 16 January 2012,² ("the 16 January Filing") on its consultations with both information providers.
2. In paragraph 2 of the 16 January Filing, the Prosecution indicated that it was continuing to consult with [REDACTED] ("the Second Provider") and the United Nations Office for Legal Affairs ("the OLA") in relation to two documents, and that a formal response was expected imminently. The Prosecution also undertook to inform the Chamber when it received a formal response from the Second Provider.
3. The Prosecution hereby submits the letter it received from the Second Provider on 16 January 2012 as Confidential Ex Parte Annex "A" to this filing.³ As indicated in the 16 January 2012 filing, the Second Provider formally declined to approve disclosure of the documents to the Accused persons on security grounds.
4. Accordingly, the Prosecution requests the Chamber to rule that the disclosure of the analogous evidence is an adequate substitute for the confidential documents.

II. Request for receipt of filing as Confidential *Ex Parte*

The Prosecution submits that the classification of the present filing and its annex as "Confidential – *Ex Parte* – Prosecution Only" is necessary as they

¹ ICC-02/05-03/09-259.

² ICC-02/05-03/09-276-Conf-Exp.

³ [REDACTED].

relate to confidential information obtained pursuant to Article 54(3)(e), as well as the identity of the information provider. The Prosecution is filing a Public Redacted Version of this filing.



Luis Moreno – Ocampo
Prosecutor

Dated this 3rd Day of February 2012

At The Hague, The Netherlands