

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/05-03/09
Date: 19 November 2012

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Silvia Fernandez de Gurmendi
Judge Chile Eboe-Osuji

SITUATION IN DARFUR, THE SUDAN

IN THE CASE OF THE PROSECUTOR

V.

***ABDALLAH BANDA ABAKAER NOURAIN AND SALEH MOHAMMED
JERBO JAMUS***

**Public Document
with Confidential Annexes "A" and "B"**

**Prosecution's Notification of Disclosure to the Defence of Rule 77 Material
on 24 and 29 October 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
Ms. Fatou Bensouda, Prosecutor

Counsel for the Defence
Mr. Karim A.A. Khan QC
Mr. Nicholas Koumjian

Legal Representatives of Victims
Ms. Hélène Cissé
Mr. Jens Dieckmann

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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
Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Court Interpretation and Translation
Section**

1. The Office of the Prosecutor (“Prosecution”) hereby notifies Trial Chamber IV (“Chamber”) that on 24 October 2012, it disclosed information which may be “material to the preparation of the defence” to the Defence team of Messrs. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus (“the Defence”) pursuant to Rule 77, specifically narrative summaries of the eight documents received from the “First Provider”¹ with Article 54(3)(e) conditions.² The disclosure followed from the order of the Chamber to disclose narrative summaries of these eight documents to the Defence in its “*Second Decision on Article 54(3)(e) documents*” rendered on 19 October 2012.³

2. Following the same order,⁴ on 29 October 2012 the Prosecution disclosed to the Defence analogous material relating to the two documents received with Article 54(3)(e) restrictions from the Second Provider⁵ also as being ‘material to the preparation of the defence’ pursuant to Rule 77.⁶ All of the analogous material had already been previously disclosed to the Defence. As ordered by the Chamber, the Prosecution also communicated one admission of fact to the Defence on 29 October 2012.⁷

¹ ICC-02/05-03/09-276-Red, para 1; ICC-02/05-03/09-387-Red, para 9.

² “Trial Rule 77 package 10”.

³ ICC-02/05-03/09-407-Red.

⁴ ICC-02/05-03/09-407-Red, paras 18, 21(iv).

⁵ ICC-02/05-03/09-176-Red at para 11.

⁶ “Trial RULE 77 package 11”.

⁷ ICC-02/05-03/09-407-Red, paras 18, 19, 21(v).

Request for Confidentiality

Annexes “A” and “B” appended to this communication contain the respective “Disclosure Notes” provided to the Defence. The Prosecution requests that these annexes be received as “Confidential” as they relate to *inter partes* disclosure.



Fatou Bensouda

Prosecutor

Dated this 19th day of November 2012

At The Hague, The Netherlands