

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

Date: **19 April 2013**

**THE APPEALS CHAMBER**

**Before:** Judge Akua Kuenyehia, Presiding Judge  
Judge Sang-Hyun Song  
Judge Erkki Kourula  
Judge Anita Ušacka  
Judge Ekaterina Trendafilova

**SITUATION IN THE DARFUR, SUDAN**

**IN THE CASE OF *THE PROSECUTOR***

*v.*

***ABDALLAH BANDA ABAKAER NOURAIN***

*&*

***SALEH MOHAMMED JERBO JAMUS***

**Public Document**

**Defence Response to “Requête des Représentants Légaux Communs aux Fins de Participer à l'Appel Interlocutoire interjeté par la Défense contre la Décision de la Chambre de Première Instance IV du 23 Janvier 2013 Rejetant sa Demande de Divulgence des Documents en Possession du Procureur (ICC-02/05-03/09-443)”**

**Sources:** Defence Team of Abdallah Banda Abakaer Nourain  
Defence Team of Saleh Mohammed Jerbo Jamus

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

**The Office of the Prosecutor**

Ms. Fatou Bensouda  
Mr. Adebowale Omofade

**Counsel for the Defence**

Mr. Karim A. A. Khan QC  
Mr. Nicholas Koumjian

**Legal Representatives of the Victims**

Ms. Hélène Cissé  
Mr. Jens Dieckmann

**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**

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**Registrar**

Mr. Herman von Hebel

**Counsel Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. On 16 April 2013 the Appeals Chamber ordered that any responses to the “Requête des Représentants Légaux Communs aux Fins de Participer à l'Appel Interlocutoire interjeté par la Défense contre la Décision de la Chambre de Première Instance IV du 23 Janvier 2013 Rejetant sa Demande de Divulgence des Documents en Possession du Procureur (ICC-02/05-03/09-443)” (“Request”)<sup>1</sup> be filed by 16h00 on Friday, 19 April 2013.<sup>2</sup>
2. The Defence for Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus (“Defence”) advise that they take no position in relation to the Request.
3. Should the Appeals Chamber grant the Request, either in whole or in part, the Defence advise that they will exercise their right to file written submissions in reply to the Common Legal Representatives’ written observations pursuant to Rule 91(2) of the Rules of Procedure and Evidence.

Respectfully Submitted,




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Mr. Karim A. A. Khan QC  
Lead Counsel




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Mr. Nicholas Koumjian  
Co-Lead Counsel

for Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus

Dated this 19<sup>th</sup> Day of April 2013  
At The Hague, The Netherlands

Dated this 19<sup>th</sup> Day of April 2013  
At The Hague, The Netherlands

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<sup>1</sup> ICC-02/05-03/09-461.

<sup>2</sup> ICC-02/05-03/09-463.