

ANNEXURE A



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Maanweg 174
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Ref.: D-AB/2010/6, D-SJ/2010/5

Date: 01 September 2010

**Re: The Prosecutor v. Abdallah Banda Abakaer Nourain & Saleh Mohammed
Jerbo Jamus (No: ICC-02/05-03/09): Defence mission to Sudan**

Dear Esteban,

I write to you concerning a proposed mission to Sudan for the Defence teams of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus, to conduct investigations and identify and speak to potential witnesses in preparation for the confirmation of charges hearing in this case. I am aware that the normal procedure for seeking authorization for a mission is the filing of a mission request; however, given the volatile security situation existent in certain parts of Sudan, the Sudanese government's policy of active opposition to cooperation with the Court, and past communication between the Abu Garda Defence team and the Field Operations Section and the Field Security Unit of the Registry regarding missions to Sudan (*please see enclosures 1 and 2*), I thought it best to first raise this important matter with you by way of letter.

In particular, I require my team and I to have unfettered access to the following locations in Sudan in order to conduct Defence investigations and identify and speak to potential witnesses for the purposes of the confirmation hearing: Khartoum, Jebel Adola (Southern Darfur state), and the following locations in Northern Darfur state – Gargar (*Kutum locality, Korní, Um Baru & Tina rural council*), Debri (*Kutum locality, Korní, Um Baru & Tina rural council*), Togai (*Kutum locality, Korní, Um Baru & Tina rural council*), Abu Leha (*Kutum locality, Korní, Um Baru & Tina rural council*), Kutum (*Kutum locality, Kutum Rural & Fata Borno rural council*), Kafod (*Al Fasher locality, Tawila & Korma rural council*), Sarafaya (*Al Fasher locality, Al Fasher & Kuma rural council*), Al

Fasher (*Al Fasher locality, Al Fasher & Kuma rural council*), Dar es Salam (*Al Fasher locality, Dar es Salam rural council*), Wada'ah (*Al Fasher locality, Dar es Salam rural council*), Umm Katkoot (*Um Kadada locality, Al Tawisha rural council*), Haskanita (*Um Kadada locality, Al Lait rural council*), Dalil Babiker (*Um Kadada locality, Al Lait rural council*), Sigeir Umm (*Um Kadada locality, Al Tawisha rural council*), and Usban (*Um Kadada locality, Al Tawisha rural council*).

Given the fast approaching date of the confirmation hearing (22 November) and the time that will be required to arrange the proposed mission, I respectfully request a formal response to this letter from your office by the end of next week regarding the logistical, security and entrance (travel documents) support and assistance that the Registry would be able to provide myself and my teams for this proposed mission.

As always, assuring you of my highest consideration,

Kind Regards,



Karim A. A. Khan

Cc: Sam Shoamanesh, Head, Counsel Assistance Unit

2 enclosures