

Annexure E

PROSECUTOR V. ABDALLAH BANDA ABAKAER NOURAIN & SALEH MOHAMMED
JERBO JAMUS (ICC-02/05-03/09)

AFFIDAVIT

I, the undersigned, ANDREW JOHN BURROW, state the following:

1. I am an adult male currently employed as a Legal Consultant on the Defence Team of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus before the International Criminal Court, The Hague.
2. On Wednesday, 12 October 2010, accompanied by Anand Shah, the Defence Team Case Manager, I attended at the Embassy of the Republic of the Sudan at 81 Laan Copes Van Cattenburch, The Hague, at approximately 10h00am.
3. After waiting in reception for about ten minutes, we were greeted at the service hatch by a woman. We explained to her that we were there to deliver a letter to the Sudanese ambassador and that we worked for a Defence Team at the ICC. We explained, further, that we had tried to have the letter delivered by courier but that it had been returned. As soon as we mentioned the ICC, the woman left to call her superiors.
4. Two men then arrived in the office and I once again explained that we worked for a Defence Team at the ICC and that we were there to deliver a letter to the ambassador which we had been unable to do using a courier service.
5. One of the gentlemen explained that he would be unable to accept any letter from us that related to the ICC and that they had "clear instructions from the capital" not to receive any documentation coming from, or relating to, the ICC. He kept his hands in his pockets and was clearly not prepared to accept the letter from us.
6. I asked if this was his position even if we did not work for the Court as such, but for a Defence Team, and he confirmed that his position was the same.
7. I asked for his name but he would not provide it. He confirmed, however, in response to a question from me, that he was a consular official.
8. I confirm that the contents of this affidavit are within my personal knowledge and confirm that, to the best of my knowledge and belief, they are true and correct insofar as they relate to me.

Signed this 9th day of November 2010 at THE HAGUE.



ANDREW J. BURROW

**PROSECUTOR V. ABDALLAH BANDA ABAKAER NOURAIN & SALEH MOHAMMED
JERBO JAMUS (ICC-02/05-03/09)**

AFFIDAVIT

I, the undersigned, ANAND AJAY SHAH, state the following:

1. I am an adult male currently employed as Case Manager on the Defence teams of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus before the International Criminal Court, The Hague, The Netherlands.
2. On 21 April 2011, accompanied by Anna Katulu, a Legal Assistant on the Defence teams, I attended at the Embassy of the Republic of the Sudan at 81 Laan Copes Van Cattenburch, The Hague, at approximately 09h30am.
3. After waiting in the reception area for about five minutes we were greeted by a woman who asked as to the purpose of our visit. We explained that we worked for a Defence team acting before the International Criminal Court ("ICC") and that we had a letter to deliver to His Excellency, the Sudanese Ambassador to The Netherlands. The woman told us that she would consult with her colleagues and then left the reception area.
4. About 5 minutes after the woman's departure a man entered the reception area and I again explained that we worked for a Defence team acting before the ICC and that we had a letter to deliver to the Sudanese Ambassador. The man responded that it was his understanding that there were was no relationship between the ICC and the Government of Sudan ("GoS"), but that he was not a diplomat and would therefore confer with his colleagues. The man then left the reception area.
5. A few minutes later a woman opened the service hatch of the reception area and informed us that the Sudanese Ambassador would like to meet with us.
6. A man then entered the reception area and addressed us in what I presumed to be Arabic. He quickly left the reception area once it became clear that Ms. Katulu and I were not conversant with the language he was speaking.
7. Shortly thereafter a gentlemen entered the reception area and shook hands with us, introducing himself as the Sudanese Ambassador. He wore a badge that identified him as Sirajuddin Hamid Yousif, the Sudanese Ambassador and Plenipotentiary to the Kingdom of the Netherlands. The Ambassador was accompanied by two men, one of whom was the same man who had spoken to us in what I took to be Arabic.
8. The Ambassador inquired as to the reason for our visit. I explained to His Excellency that we worked for the Defence Teams of Mr. Abdallah Banda and Mr. Saleh Jerbo before the ICC and that we had a letter to deliver to him.
9. The Ambassador consulted with his two associates in what I assumed was Arabic, mentioning Messrs Banda and Jerbo's names. The Ambassador then explained to us that there was no relationship between the GoS and the ICC because of the ICC's "interference" in internal Sudanese politics and that he had "instructions" from his government barring his interaction with the ICC, including the acceptance of documentation from the ICC. He further stated that he had previously informed the Registrar of the ICC of his instructions.
10. I clarified that we did not work for the ICC but were employed by Mr. Karim Khan, Defence Counsel for Messrs Banda and Jerbo before the ICC. I explained that the letter we wished to

deliver to the Ambassador was from Mr. Khan and contained a request to the GoS that the Defence teams of Messrs Banda and Jerbo be authorised to conduct investigations in Darfur and other areas of Sudan for the purposes of the Defence case.

11. The Ambassador informed us that his instructions precluded his accepting any communications or other documentation related to proceedings before the ICC, and that he therefore could not accept Mr. Khan's letter. He additionally stated that he did not think it would be possible for the Defence to conduct investigations in Sudan. He apologised for not having the time to offer us coffee or tea and said he was on his way to a meeting of the "African group" at the "OPCW". He asked us to convey his compliments to Mr. Khan, shook our hands, and departed the reception area.
12. We then exchanged contact information with one of the two men who had attended our meeting with the Ambassador. The man's business card identified him as A.M. Elhadi, Counsellor at the Embassy of the Republic of Sudan.
13. I confirm that the contents of this affidavit are within my personal knowledge and confirm that, to the best of my knowledge and belief, they are true and correct insofar as they relate to me.

Signed this 10th day of May 2011 at The Hague.



Anand A. Shah