

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05-03/09  
Date: 6 December 2010

**PRE-TRIAL CHAMBER I**

**Before: Judge Cuno Tarfusser, Single Judge**

**SITUATION IN DARFUR, THE SUDAN**

***IN THE CASE OF THE PROSECUTOR  
V.***

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

**Public Document  
with Confidential Annexes A to C**

**Prosecution's written submissions for the purpose of the Confirmation Hearing  
pursuant to Article 61 (5)**

**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**

**Counsel for the Defence**

Mr Karim A.A Khan

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

Colonel Frank Adaka

Mr Brahim Koné

Ms Hélène Cissé

Mr Akin Akinbote

Sir Geoffrey Nice

Mr Rodney Dixon

**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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. Background

1. On 19 October 2010, the Joint Submission by the Prosecution and the Defence made a joint filing as to Agreed Facts and submissions regarding modalities for the conduct of the Confirmation hearing (“Joint Submission”)<sup>1</sup>. In the Joint filing, the Prosecution and the Defence state that the Parties shall make all submissions (other than a short Presentation by the Prosecution aimed at clarifying various aspects of the case) as to the merits at the confirmation hearing, including the presentation of evidence, in writing only.<sup>2</sup>

## II. Prosecution’s submissions

2. Pursuant to Article 61 (5) of the Rome Statute, and in view of the undertaking of the Prosecution and Defence made in the Joint filing,<sup>3</sup> the Prosecution hereby submits the following written submissions:
  1. Prosecution’s submissions on the Protected Status of Personnel and Objects at the MGS Haskanita on 29 September 2007 (Annex A);
  2. Prosecution’s submissions on the Individual Criminal Responsibility of Abdallah Banda and Saleh Jerbo (Annex B); and
  3. Prosecution’s submissions on the Individual Crimes Charged (Annex C).
3. The Prosecution requests that these submissions be included in the record of the case for the purpose of the confirmation hearing.

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<sup>1</sup> ICC-02/05-03/09-80.

<sup>2</sup> ICC-02/05-03/09-80, paragraph 7 (v).

<sup>3</sup> ICC-02/05-03/09-80, paragraph 7 (v).

### III. Request for Confidentiality

Annexes A to C appended to this communication contain written submissions in which the evidence provided to the Defence teams is extensively referenced. The Prosecution requests that these annexes be received as “Confidential” since they relate to evidence disclosed *inter partes*.



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Luis Moreno-Ocampo

Prosecutor

Dated this 6<sup>th</sup> day of December 2010

At The Hague, The Netherlands