

# Public Annexure D

**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 the afternoon of 12 October 2011, I telephoned the African Union (AU) Headquarters in Addis Ababa, Ethiopia from the Defence offices in The Hague. I asked to speak to Ms. Djeneba Diarra, Deputy Legal Counsel of the AU. I was connected to Ms. Diarra's extension but no one answered the telephone.
3. My call was directed back to the AU reception desk. I then requested that I be connected to the Office of the Director of the Department of Peace and Security.
4. A woman answered the phone confirming that I had been connected to the Office of the Director and identified herself as Ms. Melate, a secretary in the Office.
5. I explained to Ms. Melate that I was a member of the Defence teams of Messrs. Banda and Jerbo before the International Criminal Court in The Hague, and that I was calling in respect to two requests for information for which the Defence had received no substantive response from the AU. I provided Ms. Melate with the dates of our written requests for information – 7 October 2010 and 10 January 2011 – as well as the reference number of the response from the African Union dated 20 October 2010 – BC/OLC/72.25-1/3631.10. I also summarised for her this response, namely that our request dated 7 October 2010 had been forwarded to the Director of the Peace and Security Department.
6. I provided Ms. Melate with my business email address and office phone number.
7. Ms. Melate informed me that she would check in to the matter and respond to me.
8. On the morning of 20 October 2011, having received no response from the African Union, I again telephoned the African Union Headquarters and asked to be connected to the Office of the Director of the Department of Peace and Security. The call remained unanswered after I allowed the telephone to ring for more than a minute. No opportunity was provided to leave a message.
9. 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 20th day of October 2011 at The Hague, The Netherlands.



Anand A. Shah