

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 31 July 2009

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

**SITUATION IN DARFUR
IN THE CASE THE PROSECUTOR V. BAHAR IDRIS ABU GARDA**

Confidential, ex parte Prosecutor and Victims and Witnesses Unit

**Decision scheduling a hearing on 6 August 2009 on issues relating to the
Prosecutor's requests for redactions**

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

The Office of the Prosecutor

Mr Luis Moreno-Ocampo

Mr Essa Faal, Senior Trial Lawyer

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

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

Registrar

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Ms. Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Other

I, Judge Sylvia Steiner, judge at the International Criminal Court (the “Court”);

NOTING the “Decision on the Temporary Replacement of the Single Judge for the period of 22 July to 17 August 2009”, whereby Judge Sylvia Steiner was designated Single Judge for the situation in Darfur, Sudan and any case emanating therefrom, including the case of the Prosecutor v. Bahar Idriss Abu Garda (the “Case”), for the period of 22 July to 17 August 2009;¹

NOTING the “Second Decision on issues relating to disclosure”,² whereby Pre-Trial Chamber I (the “Chamber”) *inter alia* ordered the Prosecutor “to submit to the Chamber, as soon as practicable and no later than Friday 28 August 2009, any request for redactions under rule 81 of the Rules”;

NOTING the “Prosecutions Application for Redactions to Statements of Witnesses DAR-OTP-WWWW-0416, DAR-OTP-WWWW-0418, DAR-OTP-WWWW-0419 and DAR-OTP-WWWW-0421 Pursuant to Rules 81(2) and 81(4)” dated 10 July 2009;³ the “Prosecutions Application for Redactions to Statements of Witnesses DAR-OTP-WWWW-0305, DAR-OTP-WWWW-0307, and DAR-OTP-WWWW-0314 Pursuant to Rules 81(2) and 81(4)” dated 15 July 2009;⁴ and the “Prosecutions Application for Redactions to Statements of Witnesses DAR-OTP-WWWW-0326, DAR-OTP-WWWW-0355, DAR-OTP-WWWW-0417 and DAR-OTP-WWWW-0420 Pursuant to Rules 81(2) and 81(4)” dated 17 July 2009⁵ (collectively, the “Prosecutor’s Requests for Redactions”), filed *under seal, ex parte only available to the Prosecution and the Victims and Witnesses Unit*;

¹ ICC-02/05-02/09-37.

² ICC-02/05-02/09-35.

³ ICC-02/05-02/09-33-US-Exp and ICC-02/05-02/09-33-US-Exp-AnxsA, B, C & D.

⁴ ICC-02/05-02/09-34-US-Exp and ICC-02/05-02/09-34-US-Exp-AnxsA, B & C.

⁵ ICC-02/05-02/09-36-US-Exp and ICC-02/05-02/09-36-US-Exp-AnxsA, B, C, D, A1 & C1.

NOTING articles 54, 57(3), 61, 67 and 68 of the Statute of the Court (the "Statute"), rules 15, 76, 77, 81 and 121 of the Rules of Procedure and Evidence (the "Rules") and regulation 19bis(2) of the Regulations of the Court (the "Regulations");

NOTING that a first assessment has highlighted the presence of several inconsistencies in the Prosecutor's Requests for Redactions;

CONSIDERING that, accordingly, there is need for the Prosecutor to provide clarification on a number of his requests for redactions, with a view to allowing the Chamber to take an informed decision;

CONSIDERING that, with a view to ensuring the expeditiousness of the proceedings, holding an *ex parte* hearing in closed session in the presence of both the Prosecutor and the Victims and Witnesses Unit is the most appropriate way for the Chamber to be able to decide as expeditiously as possible on the Prosecutor's Requests for Redactions;

CONSIDERING that, in light of the date set for the hearing for the confirmation of the charges in the Case, such hearing should take place on an urgent basis during the Court recess, in accordance with regulation 19 bis(2) of the Regulations;

FOR THESE REASONS

DECIDE to convene an *ex parte* hearing on Thursday 6 August 2009 at 10.30 in the Pre-Trial Courtroom to be held in closed session and attended by the Prosecutor and the Victims and Witnesses Unit.

Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner
Single Judge

Dated this Friday, 31 July 2009

At The Hague, the Netherlands