

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original English

No.: ICC-02/05-02/09  
Date. 19 August 2009

**PRE-TRIAL CHAMBER I**

**Before:** Judge Sylvia Steiner – Presiding Judge  
Judge Sanji Mmasenono Monageng  
Judge Cuno Tarfusser

**SITUATION IN DARFUR, SUDAN**

***IN THE CASE OF THE PROSECUTOR V. BAHAR IDRIS ABU GARDA***

**Public Document**

**Decision on the Designation of a Single Judge on Victims' Issues  
and on the Deadline for the Filing of Applications for Participation**

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

**Counsel for the Defence**  
Mr Karim A A Khan

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**  
Ms. Paolina Massidda

**The Office of Public Counsel for the  
Defence**

**States Representatives**

**Amicus Curiae**

## **REGISTRY**

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**Registrar**  
Ms Silvana Arbia

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**  
Ms Fiona Mckay

**Others**

**PRE-TRIAL CHAMBER I** (the “Chamber”) of the International Criminal Court (the “Court”),

**NOTING** the hearing of first appearance of Mr Bahar Idriss Abu Garda held on 18 May 2009, in which the commencement of the confirmation of charges hearing was scheduled for Monday 12 October 2009;<sup>1</sup>

**NOTING** the “Report on applications to participate in the proceedings received by the Registry” of 4 June 2009, whereby the Registry informed the Chamber that it received a group of 23 victims’ applications to participate in the proceedings in the Abu Garda case, which however appeared to be incomplete,<sup>2</sup>

**NOTING** the “Decision on issues relating to victims’ applications in the Case” of 12 June 2009, whereby the VPRS was ordered “to take all steps which might be necessary and appropriate for the Applications to be completed and transmitted to the Chamber as soon as feasible”,<sup>3</sup>

**NOTING** articles 39(2)(b)(iii) and 57(2)(b) of the Statute of the Court (the “Statute”), rule 7(1) of the Rules of Procedure and Evidence (the “Rules”) and regulation 47(1) and (2) of the Regulations,

**CONSIDERING** that, pursuant to article 39(2)(b)(iii) of the Statute, the functions of the Pre-Trial Chamber shall be carried out either by three judges of the Pre-Trial

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<sup>1</sup> ICC-02/05-02/09-T-2-ENG

<sup>2</sup> ICC-02/05-02-09-19-Conf-Exp

<sup>3</sup> ICC-02/05-02-09-20

Division or by a single judge of that division in accordance with the Statute and the Rules,

**CONSIDERING** that pursuant to article 57(2)(b) of the Statute, in all cases other than those listed in article 57(2)(a) of the Statute, a single judge of the Pre-Trial Chamber may exercise the functions provided for in the Statute, unless otherwise provided for in the Rules or by a majority of the Pre-Trial Chamber,

**CONSIDERING** that rule 7(1) of the Rules and regulation 47(1) of the Regulations establish that the designation of a single judge shall be based on objective criteria agreed upon by the Pre-Trial Chamber, including consideration of the issues involved, the circumstances of the proceedings before the Chamber, the distribution of work within the Chamber and the proper management and efficiency in the handling of cases,

**CONSIDERING** further that regulation 47(2) of the Regulations provides that the Pre-Trial Chamber may designate more than one single judge when the efficient management of the workload of the Chamber so requires;

**CONSIDERING** that, in light of the above mentioned criteria, in particular the distribution of work within the Chamber and the proper management and efficiency in the handling of the proceedings before the Chamber, it is appropriate to designate Judge Sanji Mmasenono Monageng as Single Judge responsible for all issues related to victims' applications to be authorized to participate as victims in the proceedings relating to the case of *The Prosecutor v Bahar Idriss Abu Garda* (the "Abu Garda case");

**CONSIDERING** further that, at this stage, the Chamber deems it appropriate to establish a deadline for the submission of victims' applications to be authorized to participate as victims in the proceedings relating to the Abu Garda case,

**FOR THESE REASONS,**

**DECIDES** to appoint Judge Sanji Mmasenono Monageng as Single Judge responsible for all issues related to victims' applications to be authorized to participate as victims in the proceedings relating to the Abu Garda case,

**ORDERS** the VPRS to submit, by no later than Friday 11 September 2009, the VPRS report and the victims' applications to be authorized to participate as victims in the proceedings relating to the confirmation of charges in the Abu Garda case

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



**Judge Sylvia Steiner**

**Presiding Judge**



**Judge Sanji Mmasenono Monageng**



**Judge Cuno Tarfusser**

Dated this Wednesday, 19 August 2009

At The Hague, The Netherlands