

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 22 September 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 Defence's Urgent Application for an ex parte hearing and
rescheduling the hearings to be held on 23 September 2009**

Document 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

Mr Andrew J. Burrow

Legal Representatives of Victims

Legal Representatives of 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

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER I of the International Criminal Court (the “Chamber” and the “Court” respectively);

NOTING the “Urgent Defence Application for an Ex Parte Hearing” dated 22 September 2009, filed as “confidential, with two “confidential ex parte defence” Annexes (the “Defence’s Application”);¹

CONSIDERING it necessary for the Chamber to hear the Defence on an ex parte basis prior to deciding on the remedies requested in the Defence’s Application;

CONSIDERING that the Defence proposed that the requested hearing be held on Wednesday, 23 September 2009, “preferably before the ex parte hearing with the Prosecution scheduled for 9.30 hours, but in any event before the public hearing scheduled for 10.30 hours”;

CONSIDERING that, accordingly, there is a need to amend the scheduling of the hearings to be held on Wednesday, 23 September 2009 as set forth in the “Decision Convening two Hearings on 23 September 2009”² ;

HEREBY RENDERS THIS DECISION:

DECIDES to convene an *ex parte* hearing with the Defence to be held in closed session on Wednesday 23 September 2009 at 9.30 hours in Courtroom I;

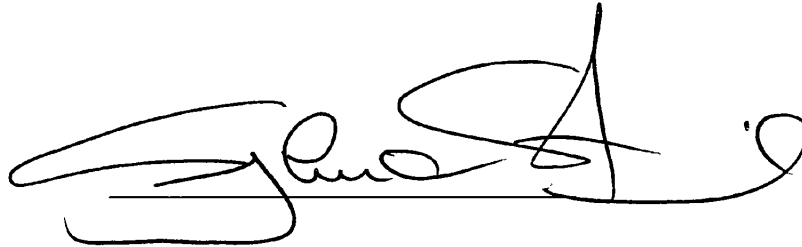
¹ ICC-02/05-02/09-113-Conf.

² ICC-02/05-02/09-110.

DECIDES that the *ex parte* hearing with the Prosecution to be held in closed session, originally scheduled for Wednesday 23 September 2009 at 9.30 hours, shall be postponed until 11 hours on the same day;

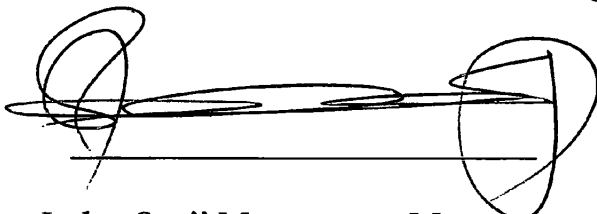
DECIDES that the public hearing to be held with the parties as well as the representatives of the Registry, originally scheduled for Wednesday 23 September 2009 at 10.30 hours, is postponed until 14 hours on the same day, in Courtroom I.

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

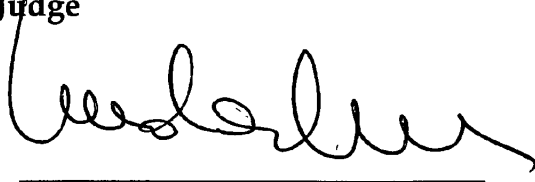


Judge Sylvia Steiner

Presiding Judge



Judge Sanji Mmasenono Monageng



Judge Cuno Tarfusser

Dated this Tuesday, 22 September 2009

At The Hague, The Netherlands