Cour Pénale Internationale



International Criminal Court

Original: English

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

Date: 1 October 2009

PRE-TRIAL CHAMBER I

Before:

Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, SUDAN

IN THE CASE OF THE PROSECUTOR V. BAHAR IDRISS ABU GARDA

Public Document

Decision requesting the Prosecutor to submit observations on re-classification

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

Legal Representatives of Victims

Mr Brahima Koné Ms Hélène Cissé 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

Deputy Registrar

Ms Silvana Arbia

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations

Section

Others

I, Judge Cuno Tarfusser, Single Judge responsible for carrying out the

functions of Pre-Trial Chamber I in relation to the proceedings of the situation

in Darfur, Sudan and any related cases emanating therefrom, including the

case of The Prosecutor v. Bahar Idriss Abu Garda (the "Case"), at the

International Criminal Court¹;

NOTING articles 64(2) and 67(1) of the Rome Statute, rules 13 and 15 of the

Rules of Procedure and Evidence, regulations 8, 23 bis and 26 of the

Regulations of the Court, and regulation 14 of the Regulations of the Registry;

CONSIDERING the rights of Bahar Idriss Abu Garda and, in particular, the

principle of publicity of the proceedings as prescribed in article 67(1) of the

Statute;

CONSIDERING that it is appropriate for the Single Judge to conduct a

proprio motu assessment of the level of confidentiality of the filed documents

in the Case in view of the upcoming confirmation hearing;

CONSIDERING beneficial for the Single Judge to receive observations by the

Prosecutor on the possible reclassification either as "confidential" or as

"public" of a number of documents, in order to decide on any necessary

changes in their level of confidentiality;

¹ ICC-02/05-210.

No. ICC-02/05-02/09

1 October 2009

FOR THESE REASONS

REQUEST

the Prosecutor to submit, no later than 6 October 2009, written observations on the possible reclassification of the following documents:

- ICC-02/05-02/09-14-Conf-Exp;
- ICC-02/05-02/09-21-Conf-Exp-Anx1 Anx5.38;
- ICC-02/05-02/09-22-Conf-Exp and Anx1-Anx8;
- ICC-02/05-02/09-24-Conf-Exp-AnxA B24;
- ICC-02/05-02/09-25-Conf-Exp-AnxB25 AnxB26;
- ICC-02/05-02/09-26-Conf-Exp and Anx1;
- ICC-02/05-02/09-28-Conf-Exp;
- ICC-02/05-02/09-29-Conf-Exp;
- ICC-02/05-02/09-30-Conf-Exp and Anx1;
- ICC-02/05-02/09-31-Conf-Exp;
- ICC-02/05-02/09-31-Conf-Exp-Corr;
- ICC-02/05-02/09-33-US-Exp;
- ICC-02/05-02/09-34-US-Exp;
- ICC-02/05-02/09-36-US-Exp;
- ICC-02/05-02/09-44-Conf-Exp;
- ICC-02/05-02/09-48-Conf-Exp;
- ICC-02/05-02/09-59-Conf-Exp;
- ICC-02/05-02/09-66-Conf-Exp;
- ICC-02/05-02/09-70-Conf-Exp;
- ICC-02/05-02/09-73-Conf-Exp;
- ICC-02/05-02/09-82-Conf-Exp;
- ICC-02/05-02/09-86-Conf-Exp;

No. ICC-02/05-02/09

ICC-02/05-02/09-94-Conf-Exp.

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

Dated this Thursday, 1 October 2009

At The Hague, The Netherlands

Judge Cuno Tarfusser Single Judge