

**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 IDRIS 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 Brahim 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**

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**Registrar**  
Ms Silvana Arbia

**Deputy Registrar**

**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 Court<sup>1</sup>;

**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;

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<sup>1</sup> ICC-02/05-210.

## FOR THESE REASONS

### REQUEST

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

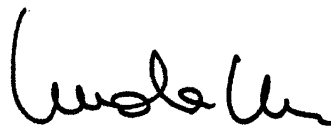
- ICC-02/05-02/09-14-Conf-Exp;
- ICC-02/05-02/09-21-Conf-Exp-Anx1 – Anx5.38;
- ICC-02/05-02/09-22-Conf-Exp and Anx1-Anx8;
- ICC-02/05-02/09-24-Conf-Exp-AnxA – B24;
- ICC-02/05-02/09-25-Conf-Exp-AnxB25 – AnxB26;
- ICC-02/05-02/09-26-Conf-Exp and Anx1;
- ICC-02/05-02/09-28-Conf-Exp;
- ICC-02/05-02/09-29-Conf-Exp;
- 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;

- 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



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**Judge Cuno Tarfusser**  
**Single Judge**