

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 2 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 Defence to submit observations on reclassification

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

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 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 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 Defence on the possible reclassification of document ICC-02/05-02/09-113-Conf as "public", and of document ICC-02/05-02/09-113-Conf-Exp-AnxA as "confidential", in order to decide on any necessary changes in their level of confidentiality;

¹ ICC-02/05-210.

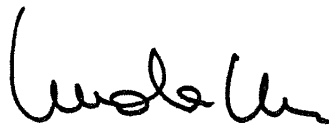
FOR THESE REASONS**REQUEST**

the Defence to submit, no later than Monday, 5 October 2009, written observations on the possible reclassification of documents ICC-02/05-02/09-113-Conf and ICC-02/05-02/09-113-Conf-Exp-AnxA.

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

Dated this Friday, 2 October 2009

At The Hague, The Netherlands



Judge Cuno Tarfusser
Single Judge