

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 13 October 2009

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Presiding Judge

SITUATION IN DARFUR, SUDAN

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

Public Document

Decision on the Schedule for the Confirmation Hearing

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

Mr Andrew J. Burrow

Legal Representatives of the Victims

Mr Brahim Koné

Ms Hélène Cissé

Mr Akin Akinbote

Colonel Frank Adaka

Legal Representatives of the 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**

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar & Deputy Registrar

Ms Silvana Arbia

Mr Didier Preira

Victims and Witnesses Unit

Defence Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

I, Judge Sylvia Steiner, Presiding Judge of Pre-Trial Chamber I (“the Chamber”) at the International Criminal Court (“the Court”);

NOTING the “Decision on the Prosecutor’s requests for extension of time limit” of 11 September 2009, whereby the Single Judge decided, *inter alia*, to re-schedule the confirmation hearing to 19 October 2009;¹

NOTING the “Decision Distributing the Proposed Schedule for the Confirmation Hearing” of 2 October 2009;²

NOTING the “Defence’s list of issues on jurisdiction, admissibility or concerning the proper conduct of the proceedings leading to the confirmation hearing” (“the Defence’s List”) of 7 October 2009;³

NOTING the “Observations of the Registry on the proposed schedule of the Confirmation of Charges hearing” (“the Registry’s Observations”) of 7 October 2009;⁴

NOTING the “Defence’s Observations on the proposed schedule for the confirmation hearing” (“the Defence’s Observations”) of 7 October 2009;⁵

¹ ICC-02/05-02/09-98.

² ICC-02/05-02/09-129 and ICC-02/05-02/09-129-Anx1.

³ ICC-02/05-02/09-142.

⁴ ICC-02/05-02/09-143.

⁵ ICC-02/05-02/09-144.

NOTING the “Prosecution’s Observations on the proposed schedule for the confirmation hearing and the list of those issues on jurisdiction and admissibility and concerning the proper conduct of the proceedings leading to the confirmation hearing, that the Prosecution intends to raise pursuant to rule 122(2) and (3) of the Rules” (“the Prosecution’s Observations”) of 7 October 2009;⁶

NOTING articles 61, 67, 68 and 69 of the Statute of the Court, rules 63, 87, 121, 122 and 140 of the Rules of Procedure and Evidence and regulation 20 of the Regulations of the Court;

CONSIDERING that in the Defence’s List and the Defence’s Observations, the Defence submitted that at this stage it does not intend to raise any issues on jurisdiction, admissibility or concerning the proper conduct of the proceedings and therefore expressed no objection to shortening the time period allocated for discussion on such issues;

CONSIDERING that in the Prosecution’s Observations, the Prosecution (i) submitted that it does not intend to raise any issues on jurisdiction and admissibility and (ii) envisaged the possibility of raising issues concerning proper conduct of the proceedings;

CONSIDERING that in the Registry’s Observations, the Registry requested the Chamber (i) to consider changing the second session of those days where two

⁶ ICC-02/05-02/09-145.

session of two hours are scheduled to start earlier and (ii) to authorize journalists to take pictures at the beginning of the confirmation of charges hearing;

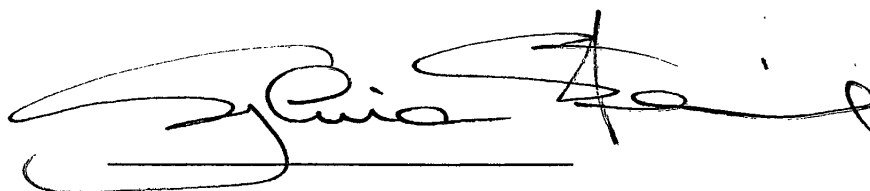
CONSIDERING that in the event that any party does not use the time allocated to it in the final schedule attached to the present decision, the Chamber may decide, for the sake of efficiency and where appropriate, to anticipate a presentation even if not scheduled for that same day and that, therefore, parties are expected to be prepared at any time and flexible;

FOR THESE REASONS,

DECIDE to distribute to the parties and the participants the final schedule for the confirmation hearing in Annex I to the present decision.

AUTHORISE journalists to take pictures at the beginning of the confirmation of charges hearing.

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

A handwritten signature in black ink, appearing to read 'Sylvia Steiner', written over a horizontal line. The signature is stylized and cursive.

Judge Sylvia Steiner

Presiding Judge

Dated this Tuesday, 13 October 2009

At The Hague, The Netherlands

ANNEX I

Schedule of the Confirmation Hearing

SCHEDULE OF THE CONFIRMATION HEARING
IN THE CASE OF THE PROSECUTOR V. BAHAR IDRIS ABU GARDA

Monday 19 October 2009

First Session 9.30-11.00

- i. 9.30-9.50 Opening of the confirmation hearing by the Presiding Judge
- ii. 9.50-11.00 Discussion on issues on jurisdiction, admissibility or issues concerning the proper conduct of the proceedings raised by the Prosecution or the Defence

Second Session 11.30-13.30

- i. 11.30-12.30 Opening statements of the Prosecution
- ii. 12.30-13.30 Opening statements of the Legal Representatives of Victims

Third Session 15.00-16.00

Opening statements of the Defence

Tuesday 20 October 2009

First Session 9.30-11.30

Examination by the Prosecution of its first witness

Second Session 13.30-15.30

Examination by the Defence of the first Prosecution witness

Wednesday 21 October 2009

First Session 9.30-11.30

Examination by the Prosecution of its second witness

Second Session 13.30-15.30

Examination by the Defence of the second Prosecution witness

Thursday 22 October 2009

First Session 9.30-11.30

Examination by the Prosecution of its third witness

Second Session 13.30-15.30

Examination by the Defence of the third Prosecution witness

Monday 26 October 2009

First Session 9.30-11.00

Presentation of the evidence by the Prosecution (part I)

Second Session 11.30-13.00

Presentation of the evidence by the Prosecution (part II)

Third Session 14.30-16.00

Presentation of the evidence by the Prosecution (part III)

Tuesday 27 October 2009

First Session 9.30-11.30

Examination by the Defence of its witness

Second Session 13.30-15.30

Examination by the Prosecution of the Defence witness

Wednesday 28 October 2009

First Session 9.30-11.00

Discussion of the evidence presented by the Prosecution and presentation of the evidence by the Defence (part I)

Second Session 11.30-13.00

Discussion of the evidence presented by the Prosecution and presentation of the evidence by the Defence (part II)

Third Session 14.30-16.00

Discussion of the evidence presented by the Prosecution and presentation of the evidence by the Defence (part III)

Thursday 29 October 2009

First Session 9.30-11.00

Closing statements of the Prosecution

Second Session 11.30-13.00

Closing statements of the Legal Representatives of Victims

Third Session 14.30-16.00

Closing statements of the Defence