

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 13 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 on the Office of Public Counsel for the Defence's access to real time transcripts of hearings

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 Brahima Koné
Ms Hélène Cissé
Mr Akin Akinbote
Mr 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 Daniel
Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

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*, at the International Criminal Court;¹

NOTING the status conference held on 23 September 2009 during which the access of the Office of Public Counsel for the Defence (the “OPCD”) to real time transcripts of public and closed session hearings was discussed with the Defence;²

NOTING the “Application requesting the granting of access to the Office of Public Counsel for the Defence to real time transcripts of hearings” (the “Defence Request”) submitted by the Defence on 12 October 2009, wherein the Defence requests the Chamber to grant the OPCD access to real time transcripts through iTranscend;³

NOTING the “Request by the Office of Public Counsel for the Defence to have access to real time transcripts of hearings through iTranscend in the Abu Garda case” (the “OPCD Request”) filed by the OPCD on 13 October 2009, wherein the OPCD requests access through iTranscend to real time transcripts of public and closed sessions hearings;⁴

NOTING rule 13 of the Rules of Procedure and Evidence (the “Rules), regulations 21, 27 and 77(5) of the Regulations of the Court (the “Regulations”) and regulations 50, 144(2) and (3) of the Regulations of the Registry;

¹ ICC-02/05-210.

² ICC-02/05-02/09-T-9-Conf-Exp-ENG ET, p.25-27.

³ ICC-02/05-02/09-157.

⁴ ICC-02/05-02/09-160 and annexes.

CONSIDERING that, pursuant to regulation 77(5) of the Regulations, the OPCD shall provide to the defence counsel, if so requested by him or her, support and assistance, including where appropriate, legal research and advice;

CONSIDERING that granting the OPCD access to the real time transcript of public and closed session hearings held before the Chamber would permit the Defence team to benefit during those hearings from the legal assistance and support of the OPCD as provided for under regulation 77(5) of the Regulations;

CONSIDERING further that granting the OPCD access to the real time transcript of public and closed session hearings before the Chamber will place the OPCD in a position to adequately and efficiently fulfill its mandate to provide legal support and assistance at public hearings without being present in the Courtroom;

CONSIDERING that in its Request, the OPCD has provided the Chamber with a list of four persons who shall be granted the aforementioned access;⁵

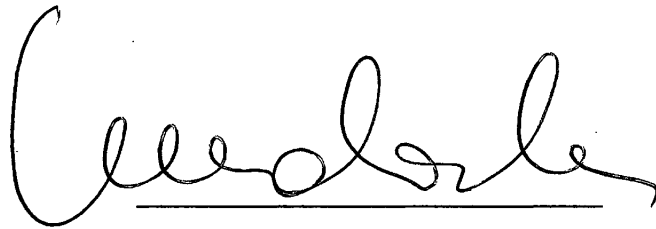
FOR THESE REASONS,

GRANT the Defence and the OPCD Requests;

⁵ ICC-02/05-02/09-160, pp.5-6.

ORDER the Registrar to give to the four persons listed in the OPCD Request access to the real time transcripts of public and closed session hearings held before the Chamber in the present case.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

Judge Cuno Tarfusser
Single Judge

Dated this Tuesday, 13 October 2009

At The Hague, The Netherlands