

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09
Date: 16 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
URGENT**

**Decision on the Prosecutor's Request for authorisation to rely on a newly
registered enhanced copy of a document**

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**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

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 "Prosecution's request for authorisation to rely on a newly registered enhanced copy of a document for the purpose of the confirmation hearing";¹

NOTING that the Prosecution notifies the Chamber (i) that he has obtained a legible version of a document (the "Document") disclosed to the Defence on 1 September 2009 with OTP Evidence Registration Number DAR-OTP-0043-0045 and (ii) that the new legible version "carries a new OTP Evidence registration Number of DAR-OTP-0171-0579";

NOTING that, accordingly, the Prosecutor (i) asks for authorization to refer to the Document with the new OTP Evidence Registration Number during the confirmation hearing and (ii) requests the Chamber "to instruct CMS to assign an EVD number to document DAR-OTP-0171-0579 once it is uploaded into E-Court";

NOTING the "Decision on the Defence's and Prosecution's Requests of 12 October 2009",² deciding inter alia that duplicates of documents included in the record should be kept in the record "with their existing ERN numbers" and not be assigned an EVD number, and that a note/metadata should indicate "to which item they are duplicate and the EVD number of the correct version";

CONSIDERING that, whilst the assignment of OTP Evidence Registration Numbers to documents falls within the discretion of the Prosecution, it is necessary, with a view to preserving the integrity of the record and to ensure the orderly development of the proceedings, that any document included in the record have only one EVD number and that any duplicate of an original document be assigned the same EVD number;

¹ ICC-02/05-02/09-179.


² ICC-02/05-02/09-175.

FOR THESE REASONS,

AUTHORISES the Prosecution to refer to the Document with the new OTP Evidence Registration Number during the confirmation hearing ;

ORDER the Registrar to assign to document DAR-OTP-0171-0579 the same EVD number as the one assigned to document DAR-OTP-0043-0045.

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



Judge Sylvia Steiner
Presiding Judge

Dated this Friday, 16 October 2009

At The Hague, The Netherlands