

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09

Date: 15 June 2010

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, SUDAN

***IN THE CASE OF THE PROSECUTOR V. ABDALLAH BANDA ABAKAER
NOURAIN AND SALEH MOHAMMED JERBO JAMUS***

**URGENT
Public Document**

Decision reclassifying certain documents in the record of the Case

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, Prosecutor
Mr Essa Faal, Senior Trial Lawyer

Counsel for the Defence
Mr Karim A.A. Khan

Legal Representatives of Victims

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

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 (the “Situation”) and any related cases emanating therefrom¹ at the International Criminal Court (the “Court”);

NOTING the “Second Decision on the Prosecutor’s Application under Article 58”, dated 27 August 2009, issuing *inter alia* a summons to appear for Abdallah Banda Abaker Nourain (“Banda”) and Saleh Mohammed Jerbo Jamus (“Jerbo”);²

NOTING the “Decision Setting the Date for the Hearing of First Appearance”, issued on 15 March 2010, whereby the Chamber decided to schedule for Thursday 17 June 2010 the hearing of first appearance of Banda and Jerbo before the Court pursuant to article 60 of the Statute of the Court;³

NOTING articles 57(3)(c), 67 of the Statute of the Court and regulations 20 and 23bis (3) of the Regulations of the Court;

CONSIDERING that, in light of the upcoming hearing of first appearance and with a view to safeguarding the paramount principle of publicity of the proceedings before the Court as enshrined in the statutory texts, it is necessary to reclassify a certain number of documents contained in the record of the Case which are currently classified as “under seal”;

FOR THESE REASONS, HEREBY

ORDER

the Registrar to reclassify as “public” the following documents:

ICC-02/05-03/09-1-US

¹ ICC-02/05-210.

² ICC-02/05-03/09-1-US.

³ ICC-02/05-03/09-30-US

ICC-02/05-03/09-2-US

ICC-02/05-03/09-3-US

ICC-02/05-03/09-30-US

ORDER

the Registrar to reclassify as "confidential" the "Prosecutor's Application under Article 58" (ICC-02/05-03/09-20-US);


ORDER

the Prosecutor to file within the record of the case a public redacted version of the "Prosecutor's Application under Article 58" (ICC-02/05-03-09-20-US).

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

Dated this Tuesday, 15 June 2010

At The Hague, The Netherlands



Judge Cuno Tarfusser
Single Judge

1