

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 24 August 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***

**Public Document**

**Decision Setting a Time Limit for the Parties' Replies to 8 Victims' Applications  
for Participation**

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**

Sir Geoffrey Nice  
Mr Rodney Dixon  
Colonel Frank Adaka

**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**

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**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 and any related cases emanating therefrom, including the case of *The Prosecutor v. Abdallah Banda Abaker Nourain and Saleh Mohammed Jerbo Jamus* at the International Criminal Court;<sup>1</sup>

**NOTING** the “Report on eight applications to participate in the proceedings”,<sup>2</sup> filed by the Victims Participation and Reparation Section on 12 August 2010 together with 8 applications (“Applications”) in which applicants request to be authorised to participate in proceedings concerning the crimes as a result of which they allegedly suffered harm;

**NOTING** articles 57 (3) (c) and 68 (3) of the Statute of the Court, rules 86 and 89 (1) of the Rules of Procedure and Evidence and regulations 33 and 86 of the Regulations of the Court;

**CONSIDERING** that, pursuant to rule 89 (1) of the Rules, the Prosecutor and the Defence are entitled to reply to applications for participation in the proceedings within a time limit to be set by the Chamber;

**CONSIDERING** that, pursuant to articles 68 (1) and 57 (3) (c) of the Statute, the Court shall take appropriate measures to protect *inter alia* the safety, privacy, physical and psychological well-being of victims and that these measures shall not be prejudicial to or inconsistent with the rights of the suspects and a fair and impartial trial;

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<sup>1</sup> ICC-02/05-233.

<sup>2</sup> ICC-02/05-03/09-60-Conf-Exp.

**CONSIDERING** furthermore, that, in view of the nature and purposes of the present proceedings, redactions from the Applications are an appropriate measure of protection;

**CONSIDERING** that the identities of the applicants can be disclosed to the Prosecutor, since he is also charged with protecting victims and witnesses and, pursuant to regulation 86 of the Regulations of the Court, he can also be requested to provide the Registry and the Chamber with further information regarding the applicants and/or their applications to participate;

**CONSIDERING** that, on the other hand, there is no need at this stage of proceedings to disclose to the Defence the identities of the applications, since, if and when authorization to participate is granted, victims are entitled to decide whether to remain anonymous or disclose their identities to the Defence;

**CONSIDERING** therefore that redactions from the Applications vis-à-vis the Defence are not prejudicial to or inconsistent with the rights of the suspects and a fair and impartial trial;

**FOR THESE REASONS,**

**ORDER**

the Registry to provide, no later than on 27 August 2010:

- (i) the Prosecution with non-redacted copies of all eight Applications;
- (ii) the Counsel for the Defence with copies of all eight Applications from which names, addresses and other sensitive information which could lead to identification of the Applicants are redacted;

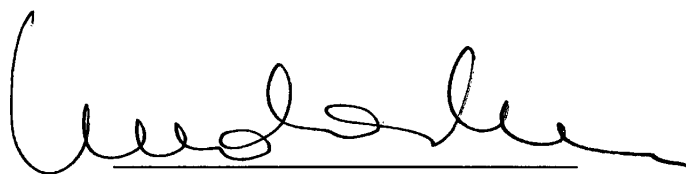
**GRANT**

the Prosecutor and the Counsel for the Defence until 10 September 2010 to reply to the Applications;

**ORDER**

all participants in the proceedings to only refer to the Applicants by the numbers assigned to them by the Registry;

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, 24 August 2010

At The Hague, the Netherlands