

**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 setting a deadline for the parties' responses to the victims' legal
representatives' request for access to confidential documents**

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 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 request for extension of time-limit”,¹ issued by the Single Judge Cuno Tarfusser on 11 September 2009, wherein the commencement of the confirmation hearing was postponed until Monday, 19 October 2009;

NOTING the “Decision on victims’ modalities of participation at the Pre-Trial Stage of the Case” issued by the Chamber on 6 October 2009;²

NOTING the “Decision on the 52 Applications for Participation at the Pre-Trial Stage of the Case” issued by the Single Judge Sanji Monageng on 9 October 2009;³

NOTING the “Decision setting a deadline for requests to lift anonymity of victims” issued by the Presiding Judge on 14 October 2009;⁴

NOTING the “1. Request in respect of Lifting of Anonymity of Victims 2. Request for Access to Documents Relating to Witnesses” submitted on 16 October 2009, whereby the Legal Representative of Victims a/0535/09, a/0537/09, a/0538/09, a/0539/09, a/0540/09, a/0541/09, a/0542/09, a/0544/09, a/0545/09, a/0546/09, a/0547/09, a/0548/09, a/0549/09, a/0550/09, a/0551/09, a/0552/09, a/0553/09, a/0554/09, a/0555/09, a/0556/09, a/0557/09, a/0558/09, a/0559/09, a/0560/09, a/0561/09 and a/0562/09,

¹ ICC-02/05-02/09-98.

² ICC-02/05-02/09-136.

³ ICC-02/05-02/09-147-Red.

⁴ ICC-02/05-02/09-166.

requested the Chamber, *inter alia*, to grant them access to “all documents filed in this case” (the “Legal Representative Request”);⁵

NOTING the “Requete aux fins d’être autorise a acceder aux documents classes confidentiels relatifs aux temoins cites par le Procureur et la Defense pour l’audience de confirmation des charges” submitted on 16 October 2009, whereby the Legal Representative of victims a/0434/09 and a/0435/09 requested access to the statements and confidential documents related to the witnesses intended to be relied upon at the confirmation hearing (the “Legal Representative Request”);⁶

NOTING regulations 24, 34 and 35 of the Regulations of the Court;

CONSIDERING that, the opening of the confirmation hearing is scheduled for Monday 19 October 2009 and that in light of the short time-frame, the Chamber deems it appropriate to reduce the time limit granted to the Defence and to the Prosecution to respond to the Legal Representatives’ Request;


FOR THESE REASONS,

⁵ ICC-02/05-02/09-176.

⁶ ICC-02/05-02/09-177.

GRANT the Defence and the Prosecution until Monday 19 October 2009 at 16.00 to respond to the Legal Representatives' Requests.

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