



Original: English

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

Date: 16 November 2009

**PRE-TRIAL CHAMBER I**

**Before: Judge Sylvia Steiner, Presiding Judge  
Judge Sanji Mmasenono Monageng, Judge  
Judge Cuno Tarfusser, Judge**

**SITUATION IN DARFUR, THE SUDAN**

***IN THE CASE OF THE PROSECUTOR***

***V.***

***BAHAR IDRIS ABU GARDA***

**Public Document**

**Submission of Prosecution's Final Written Observations with Confidential Annex A**

**Source: Office of the Prosecutor**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

**The Office of the Prosecutor**

**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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. The confirmation hearing in the present case was held between 19 and 30 October 2009.
2. On 30 October 2009, during the last session of the hearing, the Pre-Trial Chamber I decided that the Prosecution shall file its final written observations by 16 November 2009.<sup>1</sup>
3. In accordance with this decision, the Prosecution hereby files its final written observations attached hereto as Confidential Annex A. The observations are filed confidentially as they contain references to materials that are classified as confidential. However, the Prosecution has no objection to making the Confidential Annex available to the Victim Representatives.



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Luis Moreno-Ocampo  
Prosecutor

Dated this 16<sup>th</sup> day of November 2009  
At The Hague, The Netherlands

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<sup>1</sup> ICC-02/05-02/09-T-21-CONF-ENG ET, page 82 lines 24-25, and page 83 line 1.