

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date 21 August 2009

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, SUDAN

IN THE CASE OF THE PROSECUTOR V. BAHAR IDRIS ABU GARDA

Public Document

Decision on the E-court Protocol

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

Legal Representatives of the Victims

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 Cuno Tarfusser, judge at the International Criminal Court (“the Court”),

NOTING the “Second Decision on issues relating to disclosure” issued on 15 July 2009 (the “Second Decision on Disclosure”), whereby the Chamber, *inter alia*, ordered the parties “to submit any evidence with the appropriate metadata in accordance with the e-Court protocol as set out in the Katanga and Ngudjolo case” and the Registry “to provide the Defence with the e-court Protocol”;

NOTING the “Submission in the record of the case by the Registrar of a revised version of the E-court Protocol used by Pre-Trial Chamber I in the Lubanga and the Katanga and Ngudjolo cases” filed on 23 July 2009,

NOTING the “Decision inviting the Parties to Submit their Observations on the E-court Protocol Submitted by the Registrar” filed on 30 July 2009,

NOTING the “Prosecution’s observations on the revised version of the E-court Protocol as submitted by the Registrar” and the “Defence Observations on the Revised Version of the E-court Protocol Submitted by the Registry”, both filed on 17 August 2009,

NOTING the “Registry Observations on the Observations of the Parties on the revised Version of the E-Court Protocol”, filed on 21 August 2009, whereby the Registry observed that “its interpretation of the Decision of 15 July 2009 was different to the one intended by the Chamber” and submitted, as an annex thereto attached, a revised version of the E-Court Protocol adopted by Trial Chamber II in the case of The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui (the “revised E-Court Protocol”);

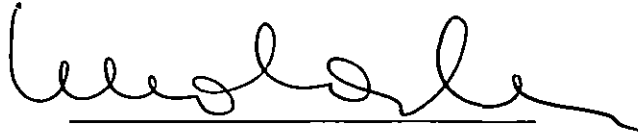
CONSIDERING that the attached revised E-Court Protocol is in line with the electronic system proposed in the Second Decision on Disclosure and that also reasons of expeditiousness and fairness impose its adoption,

FOR THESE REASONS,

DECIDE

to adopt the revised E-court Protocol as submitted by the Registrar on 21 August 2009

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

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Judge Cuno Tarfusser

Single Judge

Dated this Friday, 21 August 2009

At The Hague, The Netherlands