

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **1 September 2009**

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, THE SUDAN

IN THE CASE OF THE PROSECUTOR

V.

BAHAR IDRIS ABU GARDA

PUBLIC DOCUMENT

Public Note on Prosecution Filings ICC-02/05-02/09-66-Conf-Exp, ICC-02/05-02/09-67-Conf-Exp, ICC-02/05-02/09-70-Conf-Exp, ICC-02/05-02/09-73-Conf-Exp, and ICC-02/05-02/09-72-Conf-Exp

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

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 Other
Section**

1. The Office of the Prosecutor ("Prosecution"), pursuant to the order of the Single Judge made on 30 July 2009¹, files this public note regarding *ex parte* Prosecution filings ICC-02/05-02/09-66-Conf-Exp, ICC-02/05-02/09-67-Conf-Exp, ICC-02/05-02/09-70-Conf-Exp, ICC-02/05-02/09-73-Conf-Exp, and ICC-02/05-02/09-72-Conf-Exp. The filings, organized according to subject matter, are set out below.

Requests for Redactions

2. **ICC-02/05-02/09-66-Conf-Exp**² On 25 August 2009, in compliance with the order of Pre-Trial Chamber I in its "Second decision on issues relating to Disclosure" of 15 July 2009³ ("Second Decision on Disclosure") the Prosecution submitted an application for redactions pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence. Redactions were proposed to the statements and related annexes of witnesses DAR-OTP-WWWW-0446 and DAR-OTP-WWWW-0447.
3. **ICC-02/05-02/09-70-Conf-Exp**⁴ On 28 August 2009, pursuant to Rule 81 (2) of the Rules and Articles 54(3) (f) and 64 of the Rome Statute the Prosecution sought authorization to apply discrete redactions to the

¹ ICC-02/05-02/09-39: Decision Ordering the Prosecution to file in the Record of the Case a Public Redacted Version or a Public Note of the Requests for Redactions and of future *ex parte* filings" dated 30 July 2009.

² Prosecution's Application for Redactions to Statements of Witnesses DAR-OTP-WWWW-0446 and DAR-OTP-WWWW-0447, Pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence

³ ICC-02/05-02/09-35

⁴ Prosecution's request for authorization of discrete redactions to the meta-data fields foreseen by the E-court Protocol

names of OTP investigators appearing in the chain of custody meta-data field contained in the approved E-court protocol for this case.

4. **ICC-02/05-02/09-73-Conf-Exp**⁵ On 28 August 2009, in compliance with the Second Decision on Disclosure, the Prosecution submitted an application for redactions pursuant to Rules 81(2) and 81(4). Redactions were proposed to the statements and related annexes of witnesses DAR-OTP-WWWW-0315 and DAR-OTP-WWWW-0419 (2nd statement).

Notifications regarding Summaries

5. **ICC-02/05-02/09-67-Conf-Exp**⁶ On 26 August 2009, the Prosecution notified the Single Judge of the summaries of interview transcripts of witnesses DAR-OTP-WWWW-0304, DAR-OTP-WWWW-0306, and DAR-OTP-WWWW-0312, which it proposes to rely on in lieu of transcripts of those witnesses in accordance with Article 61(5). The Prosecution also requested the Single Judge to authorise non-disclosure in the summaries of the identities of the above-mentioned witnesses and members of their families, pursuant to Rule 81(4). The Summaries were submitted as Confidential *ex parte* Annexes A, B and C, respectively, of the cover filing.

⁵ Prosecution's Application for Redactions to Statements of Witnesses DAR-OTP-WWWW-0315 and DAR-OTP-WWWW-0419 (2nd Statement), Pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence

⁶ Prosecution's Notification to the Chamber of the Summaries to be relied upon in lieu of the Transcripts of Witnesses DAR-OTP-WWWW-0304, DAR-OTP-WWWW-0306 and DAR-OTP-WWWW-0312, and Request for Authorisation for Non-disclosure in the Summaries of Identities of Witnesses and Members of their Families Contained in the Transcripts, Pursuant to Article 68(5) of the Rome Statute and Rule 8 (4) of the Rules of Procedure and Evidence

6. **ICC-02/05-02/09-72-Conf-Exp**⁷ On 28 August 2009 the Prosecution notified the Single Judge of the Summary to be relied upon *in lieu* of the interview transcripts of witness DAR-OTP-WWWW-0433 in accordance with Article 61(5). Prosecution also sought authorisation of the Single Judge pursuant to Article 68(5) and Rule 81(4) for non-disclosure in the summary of the identity and identifying information of the witness and members of the witness's family.



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Luis Moreno-Ocampo

Prosecutor

Dated this 1st day of September 2009

The Hague, The Netherlands

⁷ Prosecution's Notification to the Chamber of the Summary to be relied upon *in lieu* of the Transcripts of Witness DAR-OTP-WWWW-0433 and Request for Authorisation for Non-disclosure in the Summary of the Identity of the Witness and Members of his Family Contained in the Transcripts, Pursuant to Article 68(5) of the Rome Statute and Rule 81(4) of the Rules of Procedure and Evidence